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CONFERENCE ON CONSTITUTIONAL ISSUES IN
SOUTH AFRICA

THE HERBERT QUANDT FOUNDATION

THE FRANCHISE AND ELECTORAL SYSTEM IN SOUTH AFRICA:

OCTOBER 5th 8.15am.

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1.1 THE SOUTH AFRICAN FRANCHISE

'We take it as axiomatic that any viable political order must be based on the principle of

one-person-one-vote where each vote carries equal weight in free and fair elections. Without

this, the system will not attain either domestic legitimacy or foreign acceptance. ... (there is

also) ... the need to control and structure the exercise of state power' (Schrire, 1990: xi).

Although in South Africa these conditions have never applied, and also do not apply in a majority of countries, open disqualification from the franchise on race alone leaves South

Africa unique in the modern world. The De Klerk government has crossed its 'rubicon' in determining that every effort will be made to create them to the satisfaction of the majority

and the outside world.

The question of the franchise (who may be registered on the voters' roll) is central to the debate

that has dominated political thought in this country for the last hundred years. It was

possibly the most crucial issue at the time of Union in 1909 and thereafter dominated discussion on political rights for the African majority in South Africa. The 1909 Act of Union

said that 'disqualification (from the vote) on the grounds of race or colour alone was prohibited' but not sex, women could not vote (Basson. 1988: 308), the franchise of Cape and

Natal blacks .. was protected'. This showed that even eighty years ago, a significant section of the ruling elite believed in a franchise of merit and not of race. The fact that Cape delegates were able to get this inserted and protected by Section 35 of the Act (requiring a two-thirds majority in both Houses, sitting together, to change it) led to considerable speculation on the prospects for the future enfranchisement of voters of colour.¹ In the last thirty years the pre-eminent question has been the extent to which residents of South Africa could exercise a vote, but it was always in the days of Union (1910-61) a vital question. Heard (1974: 1) says the 'question of the franchise was at the time of the National Convention (1908-09). a crucial one. . Prior to Union. of the four colonies the Cape Colony was the only one that had a franchise that approximated to a multi-racial one, in that a common qualification was laid down applying to all male British subjects regardless of race or colour. In Natal, under a franchise law that imposed more stringent qualifications. there were a very few Africans and other people of colour who were entitled to vote. The final compromise at the National Convention .. in effect . placed the political future of all citizens other than whites in the hands of white voters.' A minority of these white voters were able to elect a government in 1948 with a narrow majority which then enacted 'a revolution in social and political terms' (Heard. 1974: 43) removing any citizens of colour from the common parliamentary roll after 1955. South Africa enjoyed several different franchises in the last hundred years, notably a non-racial but qualified one in the Cape Province, a theoretically multiracial franchise in Natal. and a 'one man. one vote' system for white males in the Transvaal and OFS until 1930 when white women only were enfranchised in SA. From 1984, a new apartheid franchise for the tricameral parliament reintroduced the vote to coloureds, this time without any restriction and gave Indian citizens a parliamentary vote too, effectively for the first time. There are now 3,187 million white electors, 1,606 million 'mixed race' or coloured and 0,548 million Indian on the roll. (Nico Botha, Dept. of Home Affairs. July 1990). In addition 3.347 million African voters held a municipal franchise throughout South African townships which could be increased by another million if a thorough canvass for eligible voters was made (Bureau for Information, October 1988). On 26 October 1988 about 366 868 (25,1 % turnout) urban African voters voted 1 Africans and 'Coloureds' could not be parliamentary candidates. except that they were eligible to be candidates for the Natal and Cape Provincial Councils only (Basson 1988: 308)

for their 'township' councils. Unopposed returns of Council members were a significant factor as only 1 459 131 electors faced a contested election in their ward. 43.6 % of total registered electors. (Eisabe Fourie. Dept. of Planning and Provincial Affairs). In nominally independent homelands, the TBVC states. and 'non-independent states' in theory, a full franchise for all 'citizens' existed and some elections were held over the past twenty years. Thus in the Verwoerdian dream: all residents of SA. were enfranchised in separate but equal states but the diversity of the people involved meant that different political institutions would inevitably arise to cater for their different needs. The degree to which elections for these apartheid states reflected the acceptance of the people in them is significant. Republic sponsored intimidation and the use of nominated 'Chiefs', and other similar persons. to swamp the elected representatives who came from parties rejecting the new 'states', produced the Matanzimas and other 'puppet' leaders without any credibility in those homelands. in each of the TBVC states the Opposition parties won the relevant elections judged by elected M.P.s, but were out-voted by 'nominated' members! In non-independent states, the elections followed a similar pattern. but by the nature of things, the fact that these states rejected

'independence' meant that their leaders had a little less antipathy from their subjects.

1.2 FRANCHISE HISTORY

Between 1910 and 1955, there was no uniform franchise for each Province of the Union, and so country wide. a mixed franchise was used. Nevertheless, this electorate was fairly homogeneous as far as the explanation of election results was concerned A 'white' vote in a constituency was indistinguishable from a 'coloured' or 'black' vote when cast and counted

in the same constituency. There never were voters of colour in the Transvaal and O.F.S. The Act of Union, 'Section 35(1) provided that no person in the Cape "who is or may become capable of being registered as a voter" could be disqualified unless by an Act passed at its

third reading by a two-thirds majority of the total membership of both Houses of Parliament sitting together' (Heard. 1974: 2). 'Section 35(2) provided further and generally that no

person who at the time of passing of "any such law" was registered as a voter might be removed from

the register on grounds of race or colour only.' These clauses and their constitutional protection were ultimately seen to be inadequate in protecting the then voters of colour

2 This is an important factor in judging the credibility of these 'homelands' for African s. There appears

to have been no attempt to give them any chance of credibility from their creation.

minority from majority domination in the parliamentary system. This majority was of course, white. The Constitution was circumvented when the Senate was 'packed' in 1956 to allow voters of colour to be removed from the 'white voters roll'. Extra Senators were nominated by the Prime Minister to artificially make up the two-thirds majority which could not be elected.

The enfranchisement of women (1930) and eighteen-year-olds (1958) were, 'in their time, radical measures. The removal of those blacks and coloureds. qualified for the common voters roll, in 1936 and 1956 respectively, were very controversial too. South Africa today mirrors

most of the world's modern European democracies in their bygone days. by denying many of its citizens a chance to vote for the central parliament governing their lives. It mirrors

Canada, the USA, Australia and New Zealand in wanting to enfranchise all white males much earlier than European states did. and in not wanting to enfranchise the indigenous people of colour. in SA, unlike these other colonial settler states, the indigenous people

were always a majority. and if enfranchised could out-vote their newly arrived neighbours

. By 1930, all members of the (white) electoral roll, were in theory able to vote, according to the same criteria for eligibility.

Looking at developments abroad is instructive and provides perspective. Class was the pre-

eminent issue in Europe. In the United Kingdom, pre-1832. about 3 in 100 adults could vote for

the House of Commons. After the 1832 Reform Act. it was about 7 in 100, and by progressive

steps until 1914. 29 in 100 (Wright, 1970: 140 Appendix 1). Even in 1918 only about 92 in 100

could vote.³ The idea of giving poor illiterates a vote was ludicrous to most people in Victorian

Britain. including even some of the disenfranchised.

The right to vote implies an opportunity. with others. of choosing the government of the country lived in or conveying power to govern - a most valuable privilege for a citizen. The

very fact that free secret elections occur regularly is a major inhibiting factor on the "governors" of the governed and encourages the "governors" to continually listen to the governed. In a democracy. it is acceptable that some limitation is placed on who may vote ;

In the UK. currently, "peers. Lunatics and prisoners" are still so denied and so are those under

18 years of age. Nevertheless political restrictions on the poor, uneducated and hence disadvantaged. are a very delicate matter and in the modern world South Africa is alone in

3 Lunatics. members of the House of Lords, felons and women under 30 could not vote.

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basing it openly on race classification. South African restriction of the franchise is a strange mixture of radical and conservative. Coloureds and Blacks could vote with whites - under certain restrictions - a hundred years ago, possibly uniquely in the world at that time. Alone amongst the countries of the world today. they cannot legally do so. All males regardless of colour, obtained the vote in the Cape in March 1854. if they 'earned 50 pounds per annum or occupied a site and stand together worth 25 pounds' (Davenport 1987: 101). This right was restricted in Rhodes/ Franchise and Ballot Act 1892 which raised the property qualification from 25 pounds to 75 pounds' and the Glen Grey Act 1894 which 'excluded property ownership altogether as a voting requirement. for blacks who had held Glen Grey title'! This 'made inroads into the black electorate and checked its growth' (Davenport, 1987: 108). In Natal blacks had the right to vote from 1856 but this was 'removed by Law 11 of 1865' (Brookes 1965: 75) and two classes of 'natives' were created. One class was the 'unexempted' who could never apply to vote and the 'exempted' who could apply. Very few 'natives' were on any of the voters rolls by 1936 when all were placed on separate voters' rolls to elect 4 Senators and 3 Members of the House of Assembly.. and a Natives Representative Council. by the Natives' Representation Act 1936. The Africans did participate in the system of limited representation for them until 1946 after which they boycotted the Natives' Representative Council. The M.P.s that they elected after 1950 were harassed or expelled from the House of Assembly until the system was abolished by Verwoerd in 1960. Indians were disenfranchised by a Natal law of 1896 which was accepted by the British government (Brookes. 1965: 182). Like other racially discriminatory laws passed by the rulers of the British Empire, it was couched in subtle, not obviously racially phrased language. Blacks lost the franchise on a common roll in 1936, such as it was. and Coloureds in 1956; both for the House of Assembly
1 Glen Grey title (1894) allowed many Africans in the Transkei an easy right to land ownership and hence a vote.
5 There were never more than 5 black voters in Natal ! (Brookes. 1965: 77)
5 Only white candidates could seek to represent them.

and that almost exclusively in the Cape. Legislators were elected on a separate roll by blacks 1936 to 1960. and 'coloureds' 1956 to 1968.⁷

However South Africa was one of the first western countries to allow eighteen-year-olds to vote, in 1958, well ahead of the USA, UK. and most of Europe. Heard (1974:101) says that it was done because the Nationalists were more numerous among the 18 to 21 age group in 1958 than the Opposition. Also Coloureds and Indians were re-enfranchised in 1984 with the tricameral parliament. giving them limited rights. subject to being effectively outvoted on 'general affairs' in times of conflict. by the House of Assembly majority.^a The government 1979-89 suggested a limited form of black franchise based on the township population. This would have complemented the theoretical black franchise in the 'homelands' and self-governing 'black states'.

Brand (1912: 145) mentions the possibility of a wider franchise than the mainly European franchise. Brand (1912: 145) quotes Sir Percy Fitzpatrick, at the time of Union. proposing that the Committee consider 'whether the Native and Coloured populations should be directly represented in the legislatures of the Union'. A suggestion for the Native franchise was (Brand. 1912: 147) that 1/10th of a vote be given to all Natives who:

- a. practise monogamy
- b. speak a European language
- c. own property or work all year round; and
- d. habitually wear clothes and live in a house not a hut.

⁷ While not excusing the loss of franchise to Africans 1936, in effect the new 1936 Act did encourage many more Africans than ever before to exercise their political rights such as they were. Between 1936 and 1960 many outstanding Members of Parliament were chosen by Africans.

⁹ A most notable and unforeseen exception to this is the blocking of proposed constitutional amendments. The framers of the 1983 Constitution did not anticipate that any amendments emanating from the will of the House of Assembly would be necessary. Hence they decided that any House could block amendments. The House of Representatives prevented any of the many proposed changes to the Constitution 1987 to 1989 (far more effectively than the former Senate). Something which historians will say changed the history of SA.

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A further part of the plan was for the son of such a voter to have a vote with a value of 1/9 th. and his son 1/8 th vote, etc. Humorous or ludicrous as it sounds today. this was an attempt to start a non-racial South African democracy gradually. Where Europe avoided revolution in the last two hundred years. it was through reforms being continually introduced. South Africa reflects 19th century Europe in its reforms which have affected the unenfranchised. In the UK, from 1832 to 1918, the franchise was extended to from 8 out of 100 voters, to 92 out of 100. While not wishing to in any way justify the treatment of a majority of the citizens of this country over the last one hundred years by a minority of settlers. the African majority in South Africa has had a longer and more glorious tradition of parliamentary-type elections than any in the rest of Africa. In the Cape over a hundred years ago Africans voted in elections with everyone else. That record easily outshines that of the other three Provinces From 1936 to 1960, Africans elected distinguished Senators and MRS. In the perverted 'homeland' elections under conditions of extreme difficulty, Africans still managed to express their democratic will. This illustrious record must provide confidence that in the very near future the long suffering majority are going to fully participate in genuinely democratic elections for South Africa with a greater degree of success than occurred in the rest of the continent in the last thirty years.

1.3 FRANCHISE SUMMARY

When the original research for my MA. thesis at Potchefstroom University thesis was done it seemed that at some stage in the remote and distant future. some or all black voters would be included in a new dispensation and a new Constitution. Under P.W. Botha, the option of some kind of 'fourth chamber' for African voters or a new Native Representative Council, without rights over the tricameral parliament, would be created. P.W. Botha made conflicting statements about this and black Cabinet Ministers in 1988. However it all seemed a prospect that would take many years to come about. Since February 2 1990, the situation has undergone irreversible change. Whatever happens now. President F. W. de Klerk has taken his National Party government away from the previous policy to a new one where the question is not whether the unenfranchised will vote, but how they will obtain the franchise and what constitutional structure it will operate in. On the question of the franchise, all experience in the twentieth century points away from the introduction for this country of a 'qualified' franchise, like the one that existed in the Cape

Province until 1955. This is the pattern in the modern world. Suggestions by the Progressive Party and the Liberal Party in the 1950s to emulate the British franchise in the 19th century. (a qualified franchise) to determine which educated citizens or those with other sufficient qualifications (properly, financial and educational) would be able to vote. Any such arrangements were to be transitory but were to be changed gradually. This notion was emphatically rejected by the largest African political party, the African National Congress of South Africa. It demands and has always demanded that a lone man, one vote' system be introduced.⁹

Whatever happens from now on (September 1990) the question of the franchise is an essential component of any settlement. If the rest of Africa is to be examined, and particularly S.A.'s last colony Namibia, the likely franchise to be chosen will be one where all citizens over 18 years of age and of sound mind, without serious criminal convictions, born in South Africa or acquiring citizenship by naturalisation, will be enabled to vote. This franchise will be almost certainly be equal for all. Suggestions that persons with extra educational qualifications and financial soundness would be entitled to extra' votes will not be seriously entertained.

South Africa like many states including the United States of America has a mass of law on citizenship and its loss under certain circumstances. Basson (1988: 331-346) catalogues and summarises these laws in detail. Many of the 'exiles' who arrived back this year from the A.N.C., P.A.C. and B.C.M. would have lost their citizenship rights under these laws. A new law on citizenship and franchise will be an urgent necessity by the government when negotiations are complete.

The main debate about the new electoral system will be on the questions of to what extent the system will be federal, to what extent 'group rights' will be legislated for, and the actual voting system itself. The negotiation then moves to the electoral system and type of parliament to be elected. In the National Convention of 1990-91 in SA these questions (mostly for white voters only) were settled or so it seemed. The arguments about franchise and electoral system then seem like the latest topic when discussed today. In this area of the voting system, the use of proportional representation (PR) is now virtually guaranteed. The experience in Namibia in 1989 encourages the belief that the main protagonists in the debate

⁹ So do the Pan-Africanist Congress of Azania and the Black Consciousness Movement of Azania, with their RAM. and AZAPO affiliates

will have more points in favour of this system than the element of chance and distortion that

the single member constituency system (SMCS) can produce.¹⁰

¹⁰ SMCS: the Single Member Constituency System, each voter has a single crude vote in a constituency

electing one member of parliament. PR: Proportional representation.

2.1 INTRODUCTION - ELECTORAL SYSTEMS

Election results where the minority of those voting has produced an elected government is unacceptable in a democracy. Nevertheless this is our inheritance of an unreformed voting system originally devised for illiterates in the last century. Elections are now based on votes

for mass parties with definite programmes. The 'one MP per constituency' is arbitrarily defined and the unrelated nature of votes in each constituency leads to gross abnormalities

in representation and government formation, as defined by votes cast for parties and seats

won by them. This phenomenon still occurs in the United Kingdom, New Zealand and South Africa. countries using the unreformed system.

Most of the work on franchise and electoral systems in S.A. was researched and completed before President de Klerk's announcement on 2 February 1990 that the ANC, PAC and SACP were to be unbanned and Mr Nelson Mandela was to be released. These extremely dramatic historical events greatly encouraged the belief that these linchpins of political systems have

been resurrected for discussion by the major participants in the South African political domain. These happenings encourage the belief that the analysis and conclusions of this congress are of vital importance to the people and politicians of South Africa, and are about

to become the major focus of the negotiations that are taking place among the various participants.

In his speech at Potchefstroom University on 23 August 1990, President F.W. de Klerk announced that twelve points were 'non-negotiable' in his path to the 'new' negotiated South

African constitution. Four points relate directly to this paper and its concentration on the

franchise and the electoral system.¹ These points he mentioned are:

- a. No one-party state
- b. Regular elections
- c. Power sharing without domination by one group
- d. Representation for minorities

" The other eight points were: a bill of rights. a free market economy, no communist system to be

allowed to be 'foisted' on SA. own education, existing property rights to be honoured. acceptable

security forces recognised and accepted by all. an independent judiciary and no unjust taxation.

To accommodate the ideals behind all the points made by the State President will require detailed and complex electoral laws and a new Constitution for South Africa.

2.2 ELECTORAL DECISIONS

Taking the State President's points in order, the wish to avoid a 'one-party state' is made more likely by the use of proportional representation. Even if just a few percent of the electorate vote against the major party, then these voters must elect a few MPs. This thus

means that even in the extreme of considerable vote-rigging the system will require that a few

MPs be elected as an Opposition so avoiding 'one-party' rule. If SMCS is used instead of PR,

it is much easier for a distorted parliament to occur which can be used to justify the introduction of a one-party state.

The second point about regular elections is not particularly encouraged by PR rather than SMCS. In the last eighty years, the twenty general elections average one every four years, but

if elections are to be encouraged by diverse voices, then PR will encourage that relevancy. If

a 'coup' is likely, PR in providing accurate representation to the various forces will marginally

discourage it. In 'one nation' as the State President named it, power sharing without domination is strongly encouraged by PR rather than SMCS. It is much less likely under PR than SMCS that one party will gain an overall majority of the seats available. This immediately, in most parliaments elected under PR, leads to a broader based 'power-sharing'

government. PR strongly encourages consensus politics.

Like the latter point, PR strongly encourages the representation of significant minorities.

These minorities are very important in African countries with their ethnic, social and religious

mix. PR is designed to give them their fair and accurate representation. In the recent intense

deliberations in southern Africa, around political factors in projected new bodies, proportional

representation played a part. The desire to avoid zero-sum political systems in the KwaZulu-Natal Indaba proposals led to overwhelming support for the suggested use of PR at all levels in the proposed new parliament. In the Namibia constitutional proposals between

1975 and 1989, the main parties all agreed on the use of PR in the Constituent Assembly elections. PR was used in 1989 to elect the Constituent Assembly.

The experience of mostly 'white' South Africans over the past eighty years with SMCS has been the overrepresentation of the largest party with regard to its rivals, viz: the NP. 1961-87.

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or the largest party in votes lost the election to a smaller rival who won a majority of the seats,

viz: the UP. 1948-61. This unhappy experience with a relatively small number of votes is sufficient to concern any participant in the new 8A.. In Namibia's election last year it is

possible that SWAPO could have lost the election with the 57 % of the votes it polled as it won

only 9 of the 23 election districts. in the 1989 election for SA. 1 600 votes cast for the C.P.. and

not N.P., in its most marginal constituencies would have given it 15 extra seats and produced

a 'hung' parliament. Proportional representation will reduce the element of chance that is

apparent in SMCS.

2.3 VOTING SYSTEMS SUMMARY

Several distinct systems of proportional representation are used worldwide. In South Africa.

three could be considered for use viz: the Additional Member system, possibly on a Provincial

basis. extra MPs per Province. with the modifications suggested by the New Zealand Royal Commission to be used. Straight 'List' proportional representation as described by Basson in his thesis. also on a Provincial basis - with or without voting for individual candidates. This

is the system recommended by Lijphart (1990: 13). 'Empirical evidence clearly supports this

conclusion/ as 'the optimal system for plural societies is List PR in relatively large districts -

with a national pool of supplementary seats to maximise proportionality' (Lijphart. 1990: 12).

Finally the one system of PR already in the SA. Constitution. Single Transferable Vote/ Quota

counting, is also a possibility, for ordinary voters - if their level of literacy and political

awareness is high. The obvious group that this could apply to are the present tricameral voters.

The reason that the government might make these changes has already been discussed. It would not want to emulate Jan Smuts' United Party government in 1948 and lose an election in seats which it had won it in votes. Conversely in a new multi-ethnic election for all South

Africans on one roll. it would not want to be lost in a sea of faces when its share of the total

votes. with allies. would not be insignificant. There is no doubt that Heard. who has been so

widely quoted in this paper was deeply perturbed by the SA voting system of SMCS. There is difficulty in defining the electoral system which being, the best suited to the circumstances.

can be described as near perfect as possible. Two acknowledged world experts sharply disagree. Newland (1980:210) says that the single transferable vote/quota system is the best

system available. and Lipjhart (1990: 13) maintains that the rigid List system provides the best

results for 'PR in large districts'. Both experts sharply criticise each others' choices.

Lipjhart

says that STV/PR is limited in its application and does not produce enough proportionality,

Newland rejects List PR as not giving the voter enough choice and for correspondingly concentrating

too much power in the party machine.

Neither expert mentions or seems to be aware of the limitations of the voters. In Africa a substantial section of the electorate is unable to do more than its European counterparts did,

in the last century. than make a simple mark opposite a clearly defined symbol or name. This

would indicate in Africa today, a preference for the Rigid List system. However the sophisticated electorate of South Africa's tricameral parliament could use the single transferable vote system/quota counted to produce greater voter benefit than the 'List' system.

3.1 PROPORTIONALITY IN ELECTIONS

Schrire quotes Lijphart as proposing for SA. 'a system of proportional representation which would permit the different interests within the electorate to be represented without the necessity of building entrenched 'group rights or making other invidious distinctions between members of the electorate' (Schrire. 1990: xi). Lijphart has a system in mind that would be suitable for SA. but in his article he does not address the practicality of his proposed system in the conditions pertaining in South Africa today (40 % illiteracy, language barriers etc) but only of advantage to the cross cultural cleavage of SA. society. Different democracies have developed different electoral systems for their use according to circumstances. Of the 160 states in the world, based on the criteria that fairly free elections are used to choose their government, there are about thirty democracies in the world (Lijphart. 1984b: 38). Of these. the author indicates that about twenty, mostly ex-British territories use S.M.C.S. (single member constituency system). South Africa with its ex-British influence uses SMCS for its elections today. but has a very limited use of one sophisticated voting system in the tricameral parliament and before that for the Senate elections.¹² This is a similar position to the situation in the United Kingdom. now abandoned, with former use of proportional representation. There were various experiments with proportional voting systems in South Africa from 1909 to 1923, mostly in municipalities; Pretoria and Johannesburg City Councils 1909 -1912. all Transvaal municipalities 1914-1918 and some Cape municipalities, notably East London City Council in the 1920s (Hoag, 1926: 279). Only in the Orange Free State does the right of municipalities to hold elections by proportional representation still exist (Municipal Ordinance 8 of 1962 sections 43 and 179). Durban City Council reintroduced STV/PR for elections for Durban Durban City Councillors' own elections. like election the Mayor and its Committees from 1986. as it had its own charter from the state. The problem that the previous sections have outlined is to find a method of translating the will of the electors into a freely accepted parliament representing those wishes. This section

¹² The Single Transferable Vote in multi-member constituencies

outlines the nature of the problem and suggests various solutions within the system of proportional representation.

3.2 PRESENT SITUATION

In "Choosing an electoral system" (Lijphart, 1984a), twenty-four authors suggest ideas, on the various different voting methods used in major democracies, the countries using them, and the possibility of certain countries changing their electoral systems. In the "introduction". by

Lijphart and Grofman, there is no attempt to quantify the criteria of an optimum electoral system.

This neglect of the topic is repeated in the concluding section by Nohlen. Butler and

Reift Although the topic is extensively discussed, no strict, scientific or quantified parameters

are given. This omission is not rectified in Lijphart's contribution to the debate in the book on

S.A.'s critical choices, edited by Schrire. Lijphart (1990: 3) does recommend a voting system

for South Africa without defining the parameters of the system of PR, which will enormously

influence the outcome of such an election, the major disadvantages of the chosen system and

its practicality. In this section an attempt is made to deal with criteria of the optimal electoral

system.

Existing electoral systems can themselves be classified by certain standpoints. Bogdanor (1983: 1) classifies electoral systems by listing the three 'method(s) by which it allocates seats'

.. which are .. 'plurality, majority and proportional'. He mentions (1983: 8) 'semi proportional

systems, (like) the limited vote', a system where the voter has fewer votes than places to till

in the election. He includes the Japanese non-transferable vote system as one of these systems. Lijphart (1990: 2) also classifies electoral systems in his own idiosyncratic way, he

includes important variations like the "two ballot majority system" as part of the 'single-

member district system'. despite the important differences between the two systems. He quotes Duverger (Lijphart, 1984b: 35) as supporting the concept that there are three basic

types of electoral system. These systems are discussed in this section but then from the point

of view of what the essential difference in outcomes is from a given set of likely votes cast by

a given electorate.

The interpretation of a reformed, proportionally based electoral system is controversial. There

are many opinions on which parameters are suitable for inclusion. There are opinions that any

'P.R.' system is inherently unstable. For example, in a general comment on voting systems

, Mark Amstutz (Amstutz, 1982: 147) makes a case against 'P.R.' systems, 'Although

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proportional representation may be considered more democratic insofar as people's party preferences are more accurately represented in the legislature, the system has the disadvantage of weakening ties between legislators and the people. Since legislators do not represent districts but party policies. there is no representation of special territorial concerns.

A further liability of proportional systems is that they are complex and difficult to comprehend'.

Sartori (1976: 100) makes three points viz: 'a winner take all type of electoral system contains/

reduces the number of fractions'. 'and maintains or reduces the number of fractions'. '... pure

PR will allow a high degree of factionism. ... that is will encourage and produce factionism'.

'If PR is corrected by an exclusion Clause(threshold), the fractional subsystem is likely to

stabilise itself into medium-sized fractions, their size being established by the threshold

sufficiency'. Although Sartori makes a number of points about PR these major conclusions are endorsed by others and have an obvious common sense about them. Basson: (1988 :134)

says that 'The biggest disadvantage of the proportional electoral system. according to certain

critics is the fact that a large number of small political parties are enabled to obtain seats

which results in an unstable government or makes coalition government inevitable. Another disadvantage is that as far as the list system is concerned. it can lead to diminished personal

contact between the representatives and the voters'.

(Hoag, 1926: 111) in a long Chapter 7 entitled 'Objections to PR' lists the major objections as

'the breakdown of one party government'. 'party responsibility is destroyed. ' the elected MPs

are too individualistic. majorities are reduced'. 51 % of the total vote. a majority would be

enough normally, under SMCS, to elect a large majority - under PR it is not. He adds 'voters

are divided into cliques', 'extreme parties are elected more easily' and 'faddists and crackpots'

can be more easily elected. Also he also suggests that (sometimes) the PR ballot is hard to

vote and (count) (1926: 115).

If there is a problem, as outlined in many books on elections. that the SMCS system does not

produce satisfactory outcomes, then there needs to be a critique of SMCS and alternate criteria-

that will produce a defined logical satisfaction from the electoral process.

3.3 CRITERIA FOR DIFFERENT SYSTEMS

in the most recent investigation of the 'Westminster' system by the New Zealand Royal Commission. it said that there were ten criteria for judging voting systems (1987: 11-12

), but

while these were not mathematically orientated, they did in their explanatory paragraphs give direct and immediate reference to proportionality. constituencies and the method of casting a vote. They contain the following (1987: 11) :

"(a) Fairness between political parties".. 'the number of seats gained by a political party should be proportional to the number of voters who support that party' (1987: 11).

"(b) Effective representation of minority and special interest groups" (membership of the House should not only be proportional to the level of party support but should also reflect other significant characteristics of the electorate, such as gender. ethnicity. socio-economic class, locality and age'.¹³

"((1) Political integration." .. "While the electoral system should ensure that the opinions of diverse groups and interests are represented it should at the same time encourage all groups to respect other points of view and to take into account the good of the community as a whole".

"(e) Effective representation of constituents" .. " the voting system should therefore encourage close links and accountability between individual MPs and their constituents."

"(0 Effective voter participation" .. 'the votes of all electors should be of equal weight in influencing election results' (1987: 12).

"(9) to (i) concern, 'Effective government. parliament and parties' within the electoral system."

These later comments refer to the proportionality of an electoral system, which can affect the ability of the government to act 'decisively when appropriate'. The further comment about 'the voting system should provide a House which is capable of exercising these (various parliamentary) functions as effectively as possible'. also implies a House of many parties cannot act quickly or decisively. The final comment that "the voting system should recognise and facilitate the .. role of political parties in formulating and articulating policies and providing representatives for the people". appears to be rhetorical. The voting system cannot provide this except indirectly as part of other circumstances.

11' '(c) concerns the (black) Maori representation.'

—%

"(j) Legitimacy "members of the community should be able to endorse the voting system and its procedures as fair and reasonable and to accept its decisions. even when they themselves prefer other alternatives'. This statement is intrinsic to a just electoral system. These criteria, although having the nomenclature of 'fairness' and 'effective'. contain the essential truths about elections. These are that voters' votes must be treated equally within the system. They must be processed according to some agreed formula that measures their relative strengths, and thus select M.P.s to go to parliament. They are the starting point for the discussion of systems.

In the context of South Africa, an immediate reference is Heard in (1974: 44). emphasising the central purpose of election in commenting on the 1948 election result. and seats/votes ratio. 'If the seats ..(150).. had been distributed in proportion to votes, the United Party alliance would have won 80 seats, the H.N.P. and AP. only 59, with independents and minor parties holding eleven of which the majority would have supported the United Party). In other words, the United Party would have continued to enjoy a workable. though reduced majority in the new Parliament'.

This comment, about one of the most important elections in South African history. demonstrates the relevance of different voting systems for South Africa. A different voting system would certainly have produced a different government to that elected in 1948, 1953 and 1958. It could well have been a different government in 1924 and 1929. On the 1953 election, Heard adds. ' By and large the evidence suggests. then. that the United Party and its allies retained the support of more than half the voters' (1974: 64). Hence a proportional system would have given it over half the MP5 elected in parliament.

The 'Westminster' system of government. 'unwritten' though it is. has bequeathed to the world, especially, but not exclusively to former British possessions, a method of voting, a system of a single. non transferable vote in single member constituencies, where the vote is for modern political parties are not intended to be related to the number of MPs elected by the respective groups of voters. What this implies to the political dynamics of the form and use See the 1987 South Korean presidential election election, where a former British colony . the U.S.A., bequeathed it to a closely allied state, South Korea.

formation of government is not clear but it does mean that a government following an otherwise fair election, can be elected by a minority of those voting and sometimes in the wake of a party which gained an absolute majority of all the votes cast. This system is likely to excite feelings of dissatisfaction within a large number of voters and the political parties which are disadvantaged by it.⁵

This system of voting, the SMCS, is claimed, with some evidence, to be more likely to give each country using it a majority government whatever number of votes parties obtain.¹³ This system of single party administration of a state, as opposed to coalition governments, is regarded as more 'stable' in the body politic but this last claim can be disputed on several counts. Elections, under SMCS, can be won by a party commanding 26 % of the total vote, and its opponent or opponents holding the remaining 74 %, if its voters are ideally distributed. So a party coming third in votes can win a majority of seats, say 30% of votes could command 54% of MPs and a party with 51 % win 25 % of MPs, etc. There is an almost limitless range of imbalanced seats/ votes ratios for various political parties, which could theoretically occur.

The reality of political experience with SMCS has been to over-represent the largest minority party or even the second largest greatly, so that the parties holding power most often have been most satisfied with the system, which gives their minority regular untrammelled power.

A minority ruling a majority cannot be sure that its policies will be acceptable to the ruled. The minority government will be based on a minor faction within the whole electorate and will appeal and draw its inspiration from the minority rather than a wider and majority sector. At least a coalition government which controls a majority of the voters, should espouse policies that have majority backing.

The political opinions of electors of a country can be placed on several linear continua, and these continua combine to provide an infinite number of positions to allow for each voter's set of political beliefs and ideas. Parties will seek to find a position across the continua which will embrace a certain percent of the voters. Parties may or may not exist to cover all the positions.

¹⁵ *ibid.*

¹³ See Table 2: Countries with SMCS and with proportional representation, and number of majoritarian governments out of total elections held.

available. There may be spaces available, depending on the number of parties existing. the electoral system, the extent of development of the electorate and the concentration of the voters in packages'.

In a modern-day election for a modern state, there will be political parties to represent the views of the voters. These parties will each obtain a certain percentage of the total votes cast.

In SCMS the votes are randomly parcelled into groups, corresponding to the number of representatives to be elected. In other proportional systems, a logical mathematical calculation will be an integral part of the electoral process, so that those voting will obtain

their representatives according to the votes cast for the political parties proportional to those

votes. This should rule out the chance of a majority of the voters failing to obtain the election

of their party(ies) as the government. Correspondingly, a minority should not obtain a majority

of the parliament so elected.

Writing in 1911, John Humphreys, who had recently visited South Africa, quoted the British

Royal Commission on electoral systems of 1908 (1911: 211): 'On the question of whether the representation of all parties in proportion to their voting strength is in itself desirable, we may

point out that it is not a fair argument against the present system, that it fails to produce such

a result because it does not profess to do so. A General Election is, in fact, considered by a

large proportion of the electorate of this country as practically a referendum on the question

which of two governments shall be returned to power. .. It is evident that the most important

objection which advocates of proportional representation have to meet concerns its probable

effect upon party organisation and upon party government. and it is therefore necessary to

consider this objection in detail!" .

In an election there will be voters who cast a vote(s) for candidates. These votes, in the modern

world, are primarily for political parties and their candidates and policies. These policies

'7 In Malta. in 1981. the National Party obtained 51% of the votes and 48 % of the MP5 in a proportional

representation system, and the Labour Party obtained 49 % of the votes and 52 % of the MP 5. This

was possible because of the way the boundaries of the constituencies were drawn. The National Party

was under-represented because of unfavourable distribution of its voters throughout the constituencies. There were also many allegations of ballot fraud (Bogdanor 1983: 11). The system

was amended for the 1987 election (Representation 105. p.12 1988)

are implemented as far as is possible by the party when it obtains power alone or in coalition.

In Western Europe there are many systems of proportional representation which take as a base the percentage of the vote obtained by the political party in the election and translate it directly into MPs elected in the main House or Chamber of Parliament by a pre-set formula.

In the SCMS system, the votes can fall in any arbitrary way which gives the party concerned

more seats proportionate to its vote, or less, or even occasionally the same as the proportion.

In original work, Johnson (Lijphart, 1984b: 65) introduces a new idea, viz: that of 'index of

bargaining power'. This idea concerns the 'power of smaller parties' in the new parliament

elected, to choose which coalitions are formed. Johnson argues that small parties with few

seats can hold large parties to ransom and demand unfair allocation of Cabinet posts, responsibility, etc. out of proportion to their real support. This supposes that all parties are

'game players' in the 'game' and make decisions regardless of their policies and position in

the political spectrum. These assumptions are false, a party is not a player in a 'game' but

an instrument of voters' will. A party cannot make up part of a government coalition, at will,

without considering what impact this will have on its supporters, and what policy will be pursued by the administration. It must consider how its future appeal will be affected by its

decision to coalesce. Thus it is intrinsically false to use an index which assumes any number

of logically possible coalitions can be considered. Only those coalitions which are intrinsically

soundly structured by reference to their juxtaposition on the political continuum can be considered for a calculation. Extreme right and left parties cannot practically combine for

government, even if it appears mathematically possible to an observer looking only at the situation of a coalition of 50 % plus one in a parliament.

3.4 MODERN VOTING SYSTEMS

Although many countries have reformed their method of voting and vote counting in the last

hundred years (Europe, the Americas, Japan and Australia being among the foremost to be mentioned) there are exceptions. These exceptions are still using the 'Westminster' system

of voting, although not all originate from it. Namibia (1988), South Korea and New Zealand

are three countries that have investigated their SMCS system and did make proposals for changing it.

In each case those investigating, or proposing change, are parliamentarians from their single

member constituencies, with a single non-transferable vote. In each case the hybrid colour

of these constituencies. topped up by a List of additional members, added proportionally, is used. In the case of South Korea. a system of about 200 members elected by SMCS and 75 (27 %) additional members is used. For Namibia, it was proposed by the UTA, that 48 MP5 be elected by SMCS and there be 12 (25 %) additional members. (Southern African Record, 1987: 67). New Zealand. which appointed a Royal Commission on the subject offered a variety of schemes, the first six recommendations were based on the additional members being 60 or possibly 30 out of a House of 120 MP5 the rest elected by SMCS. This additional member system is the only one which keeps the idea of SMCS, which existing MP5 are aware of and familiar with, but 'tops up' with extra MPs elected from party lists in proportion to their votes. Other proportional systems use huge constituencies where the role of the individual is minimal or in the case of the single transferable vote/quota of votes system (S.T.V.), there is competition between the candidates in a constituency electing 3 to 11 members. For three disparate parts of the world to come up with this system. which is the same in each case. and the same as used in West Germany since 1948 as a result of a similar compromise, and for this to happen in the same year. implies a strong bias on the part of the legislators involved toward the system that first enabled their election, Robert Newland (1982: 57) comments that 'mixed systems. ..may be said to exhibit all the defects of the systems combined together with new defects arising from the mix'. He adds 'the defects of election by relative majority, the lack of choice of candidates for electors of all parties. the representation of only one party, the denial of representation for half or more of those who vote, are defects which are aggravated if the single place constituencies are doubled in size.' He gives an example (1982: 58) where a party with 52 % of the total votes only obtains 43.3 % of the MP5. the 48% of voters obtain the other 56.7%. This is not a proportional result. Lijphart (1990:10) in a mere footnote (no. 20) adds that the 'West German system .. is still mainly a PR. system because the list of PR voters determine the overall result'. in must be said that in most elections by the Additional member system. the result is as accurate as the purely 'List' proportional systems. However, there are exceptions caused by the arbitrary thresholds imposed. in the Bundestag election of 1969. the locking up of nearly but not quite 5 % of the votes in a neo-Nazi Party, the N.D.P.. altered the whole balance of parties in the

Bundestag and denied the 'rightist' majority of votes. a majority of MP5, bringing the S. D.P.

into power for the first time in West Germany's history."a

Newiand (1982:110). says in his preface 'the most sophisticated electoral system of them all, the

single transferable vote. or quota preferential method. which frees the elector from the artificial constraint of the party list.. .. gives proportionality not only of parties. but also of the

opinion which transcends parties. It ensures that most voters are represented, and equally

represented, by a candidate of their choice.' He adds, 'Of course no method of election can

ensure the representation of every elector who may vote, but the single transferable vote is

immensely superior to the methods previously discussed.'

J.F.H. Wright (1980: 146) says that 'there is little doubt that the notion that proportional

representation and splinter parties go together arises from observations on the use of party

list methods in other (non Australian).. countries. Those writing about electoral methods generally have not realised that party list methods are different both in principle and in

political effect from the quota preferential method. With party list systems. voters who are

dissatisfied with the candidates and policies offered by existing parties have no remedy other

than to support or establish splinter parties. The choice within parties that is available with the

quota preferential method greatly increases the possibility of voters finding satisfaction within

existing parties (1980: 147). 'It is sometimes suggested that .. communication, is made difficult

by the large size of electoral districts required for the quota preferential method. With elected

bodies of the same size. a change from single member districts to the multi-member districts

required for the quota preferential method does not change the average distance from voter

to member'.

What are the parameters for a fair election, by the most democratic procedure? These are perhaps the most important:

3.4.1 The percentage of legislators elected for a party should mirror the percentage of votes

obtained by the party. e.g. Party A votes 37,2 %. seats 37,8 % MPs. not 4 % or 52 %.

18 The 1969 election had the parties votes thus (% seats in brackets) C.D.U./C.S.U. 46,1 % (48,9 %)

SDP 42,7 % (45,2 %) FDP 5.8 (6,0 %) Others 5.5 % (nii)

3.4.2 There should be a constituency which the voter can easily identify with, and which follows natural boundaries. e.g. Potchefstroom. Johannesburg. Cape Town: Woodstock or Natal.

3.4.3 There should be a real choice of candidates. either between those of competing parties or between those offered by the party chosen by the voter.

3.4.4 The method of voting should be clearly understood by voters, either an 'X' for a candidate or party, or preferencing. 1.2.3 the candidates on the ballot paper, or a similar easy method.

3.4.5 There should be a set method of counting votes, which is monotonic and produces a logical unique result in allocating votes in the system to elect candidates. e.g. List PR with quota and divisor counting, S.T.V./ P.R. quotas, etc.

3.4.6 The entire system should be logical throughout, so that as an entity it obviously functions well and fairly. The previously outlined criteria, embrace and overlay those in the New Zealand Royal Commission, while aiming at sound criteria for election.

Different systems emphasise the different aspects mentioned. The 'List' PR systems of Western

Europe emphasise 3.4.1. the correlation between the percentage of a party's vote and its

correlating percentage of the seats. The existence of thresholds does alter this correlation and

allow for variations of this ratio. In 1969 in West Germany the party percentage varied considerably. Most List systems often have no choice of candidates and even the Westminster

system has an average of less than 3 candidates (SA 1987) per constituency. The STV system

has the largest choice.

The 'Westminster' system often offers a well-defined. and of course smallest possible, constituency. So if a town is the right size. say Carletonville, it is a 'perfect' size constituency.

However. Potchefstroom even in 1981 was too big for a single member seat. 80 one major suburb. Baillie Park and Grimbeek Park had to be omitted and added to a rural seat with which they had nothing in common. in big cities. like Pretoria. the division into constituencies

is often arbitrary and a very wide choice of boundaries is possible. The drawing of boundaries

is the key to the result of the election. and a very wide variety of choices is possible to defend.

The 'Westminster' system lends itself to the easiest gerrymandering.

Robert Newland (1982: 63) has stated that for the criteria of an election to be satisfied, the

voter must have one transferable vote and the counting of votes must be quota/preferential.

This justification is the transferability of the votes 'enables the surplus of any candidates elected with more than a quota to be transferred .. or votes of candidates with no possibility of election to be transferred to other candidates until the required number of candidates is elected'. This he says will ensure the optimum use of the electoral system. in 'A Short History of Electoral systems of Western Europe' (Carstairs. 1982: 175) Carstairs highlights the varying and often contradictory party pressures on the choice of electoral system. His history of the French electoral system revealing how important political pressures were in its choice. Nathan (1919: 196) says 'the first draft of the South Africa Act contained proposals for the election of members of the house of Assembly according to the system of proportional representation. It was proposed that each constituency should return three members. When, however, the draft was published, such opposition was manifested that the proposal was abandoned, and at the final sitting of the Convention at Bloemfontein (May, 1909) the existing scheme of single member constituencies was adopted in its stead. Under that system, there is no room for the operation of proportional representation Nathan again maintains that 'the results of the working of proportional representation on a large scale have been exhibited in connection with municipal elections in the Transvaal. It was introduced in 1909, but was abolished in 1912. in 1915 it was revived by the Labour Party which had a majority in the Provincial Council. but in 1918 it was again discontinued under an Ordinance passed by a combined majority (in the Provincial Council) of the South African Party and Unionists.' He concludes that after six municipal elections throughout the Transvaal. 'the system does not give much representation to minorities and that victory rests with the party that is best organised for the polls'. 'The working of the principle...may be adequately tested..(if).. every voter shall vote .. and that he shall vote in the order of his preference for every candidate to be elected' (Nathan, 1919: 198).

3.5 PROPORTIONAL ELECTORAL SYSTEMS

In this section the essentials behind a proportional electoral system (PR) are examined. The ideal "P.R." system is attempted by the defined parameters. There are attempts to define various electoral systems. Different viewpoints are mentioned to outline the contrasting outcomes that can occur with different parts of a voting system. Writing about electoral systems Sartori (1976: 98) makes separate points to define three major types of system. First 'a winner take all type of electoral system (which) contains/reduces the number of fractions...'.
 25

second the system of attaining majority by repeated ballot, and thirdly '...pure PR (which) will allow a high degree of fractionism. .. that is, will encourage and produce fractionism.' If PR is 'corrected' by an exclusion clause (threshold), the fractional sub-system is likely to stabilise itself into medium-sized fractions, their size being established by the threshold sufficiency' (Sartori, 1976: 100). .Although Sartori makes a number of points about PR. these major conclusions are endorsed by others and have an obvious sense about them. Basson says (1988. 134) that 'the biggest disadvantage of the proportional electoral system, according to certain critics is the fact that a large number of small political parties are enabled to obtain seats which results in an unstable government or makes coalition government inevitable. Another disadvantage is that as far as the list system is concerned, it can lead to diminished personal contact between the representatives and the voters.'

3.6 ALLOCATION OF SEATS IN P.R. SYSTEMS

There are two major systems, which qualify as proportional and are used in the modern democratic world: List proportional systems and quota/ preferential systems.

3.6.1 List proportional systems

'List' systems require parties to present lists of candidates to the electors before the day of the poll. The voter has a vote(s) to cast on election day and the votes for each party are totalled. The parties' vote totals then lead directly to the allocation of seats to each party in the parliament, by a system which uses divisors.

3.6.2 The quota/ preferential systems

This type of election involves a potentially large ballot paper as it contains all the candidates available in that constituency from each party contesting. Most of these candidates are from parties, but 'Independents' are possible too. The voters mark the ballot with numbers, indicating their preferred preference among the parties' candidates. A set number of votes, called a 'quota', is calculated. Each candidate obtaining a quota of the votes required for election is then declared elected. There are rules for re-allocating and distributing the votes.

3.7 QUOTAS

____#
Three quotas used regularly. in all proportional representation elections viz: Hare. Droop and Imperiali. although an arbitrary number agreed (preselection) is also possible. These quotas are formed by dividing the total vote by n . nH and $H/2$, respectively and rounding up the result to a whole number. (-i- 1) n is the number of seats, places to fill. The Hare and Imperiali quotas are unsafe mathematically. Hare uses too many votes for each quota, leading to imbalanced and disproportional results as large parties have too few seats and small parties too many. Imperiali is too small to give proportional results, too few votes make up each quota and so potentially too many candidates can be elected. The Droop quota, dividing the total vote by $n+1$. where n is the number of candidates to be elected. is the correct quota to be used.

3.8 LIST SYSTEMS

3.8.1 Rigid List

This is the simplest list system, for the voter. party and election staff. Each party presents a list of the candidates to be elected in order of preference. i.e. 1st, 2nd, 3rd, etc.. The voter votes only for his or her preferred list. The number of votes will determine the point where the number of candidates elected from that list is stopped. Each party gets its share of the seats according to the share of all the votes available.

3.8.2 List with optional voting

The procedure is similar to 3.8.1, except that the list may be randomly ordered and the voter must vote for a candidate on the list of his choice. The votes for the candidates are totalled and then the candidates placed in the order chosen by the voters, starting with the candidate most popular and leading to the least popular by votes cast. Those elected are then selected as described in 3.8.1. The share of the votes for the list, totalled across all candidates, is calculated and the corresponding share of the seats allocated to the party. The voter thus has a personal vote for a candidate as well as a vote for a party in one mark. This system may be combined with a vote for list only. The calculation must then combine the votes for the rigid list in order of preferred candidates with the individual votes for candidates.

3.8.3 Cumulative or grouped lists

Voters may have several votes. which may be placed across party lists, or accumulate on one candidate or party. They may even be able to link lists by their vote and indicate which association is best for them. These refinements make counting more complex and slower. These are refinements to bring voters a sense of 'personalising' their vote. which the list chosen by the party minimises. Objections can be made to the arrangements which produce anomalies among the potential results from the same set of voter preferences.

3.9 QUOTA PREFERENTIAL SYSTEM

This system allows for maximum voter participation, with the voter alone choosing who will be elected away from the party's nominees. The voter preferences his vote among the candidates. The count is sophisticated and requires much thought if it is not computerised.

Candidates are only eliminated from the successive counts if they have either the lowest vote total with no chance of gaining other transferred votes, or are already elected. Any combination of candidates. across party lines, is possible so giving each voter's vote his or her political 'thumbprint'.

3.10 ALLOCATION OF SEATS BY DIVISORS

There are several sets of divisors. d'Hondt, Saint Lague (with a different first digit). Arithmetic, Geometric and Harmonic Means and smallest divisor. known as 'n' (this gives one seat to all contesting parties. The means, and the largest and smallest divisor, are known as Huntington's methods of apportionment.

3.10.1 D'Hondt divisor

This is a method of allocating the seats between parties by dividing their vote totals in each case by 1, 2, 3, etc. Seats are allocated to the various parties depending on which party holds the highest residual number at any one stage. D'Hondt does slightly overrepresent the larger parties in the electoral system at the expense of the very small ones. by votes.

3.10.2 Saint Lague divisor

This is the same as 10.6.1 but with the divisors 1, 3, 5, 7, etc. The first divisor is changed to 1.4 or even 1.5 to reduce the favourable impact on small parties. Small parties do benefit from the use of this divisor at the expense of the largest parties. measured by votes.

3.10.3 The other divisors

These work in the same way and give an effect on party representation similar to that of the two mentioned previously. These divisors are between D'Hondt and Saint Lague in their marginal effect on the chances of large and small parties, but it is important to note that no 'perfect' divisor has been found that allocates all seats from any possible set of votes in an exactly proportional way. The Droop quota will allocate seats 'perfectly' in a system as far as it can, but there will often be remainder seats and votes, up to 10 % commonly, which are 'disputed' as to which party should obtain them.

3.11 LARGEST REMAINDER

If party vote totals are divided by the quota, there is a 'remainder' of votes for each party. This is a mathematically unstable and unsound quantity which led to the Alabama paradox in the 19th century. The 'largest remainder' which was used in the Namibia election of 1989, tends to over-represent small parties and correspondingly under-represent large parties, but unlike the other systems with divisors mentioned, can make a more substantial change in number of elected representatives for any party for a relatively small change in support for a party. In small constituencies, say about five members and with a relatively small number of parties, say approximately four, it works reasonably well in allocating seats. After allocation by quota, the remaining seats are allocated by giving seats successively to the party(s) with the highest remainder of votes. In the example given there would not normally be many of these. The more parties and seats that enter the election the more quixotic the possible election result.

3.12 THRESHOLD

There is a 'natural' threshold built into any electoral system. The quota is a threshold which will often prevent any parties not obtaining it from winning a single seat. A party below this quota cannot win a seat in most normal circumstances (an exception example: all parties' votes being less than the quota of votes, or the use of the Hare quota). However, an artificial threshold can be introduced. In Sweden a party needs 4 % of all votes cast to win a seat, in West Germany 5 %. These numbers are artificial and 'unsound in principle and unnecessary in practice' (Newland, 1982: 57) as they artificially truncate the voters' choice and chance of voting effectively free of constraints. Every device added to the voting system, like an artificial threshold, makes a modification in party behaviour like, for example, an artificial threshold will incline small parties to inapparentement' arrangements,

or even presenting a joint list. A perfect proportional system will avoid all constraints and leave the parties and voters free to act. The quota is the 'natural' threshold.

3.13 APPARENTEMENT

This arrangement, used in the past in Greece, France and Sweden, is a device to protect small parties, where their strength is unknown, to establish in advance of the election, a declared second or further preference of parties. This pre-election agreement, declared publicly, allows these parties to receive representation through another party if their votes are not sufficient to achieve it alone.

The parties' total votes are added together and allocated seats as though they were one party.

Then within the apparentement, the parties receive their individual seats in proportion to their votes within the group. This allows the parties to keep their share of the electoral spectrum fully occupied and even though on their own, they would have fewer seats. This arrangement

is used classically where the Communist Party is the strongest party but falls far short of a majority of the votes.

3.14 CONCLUSION

The construction of an electoral system is more complicated than it looks at First. Proportional representation is not a system that turns the 24.8 % of the vote for a party automatically into

24.8 % of whatever representatives are to be elected. Rather it is a principle that tries to do that, but is subject to the practical limitations of the country and the wishes of the framers of the electoral law that they choose. To get accurate PR with a seats/votes ratio close to one,

for all participating parties, will necessitate pooling votes on a national level. This restriction immediately potentially restricts the choice of candidates and the type of vote used. Each

component has an effect on the outcome and as the parties competing know this, they alter their strategy according to the facets of the system that they compete in. Each aspect can

affect the result in seats won by the parties. The major points affecting the final proportionality

are the number of constituencies - and how many representatives each has - the use of a threshold if any, the system of divisors used, whether a 'topping up' procedure is used and

whether 'apparentement' is allowed to parties.

The degree to which 'personalised' voting is allowed, i.e. the voter is able to differentiate

between different parties' candidates rather than just voting only for a party is important. If this

choice is restricted, then the fractionation of the political parties into small fragments is

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accentuated. The reason for this is that dissatisfied voters or members within a party will move to form a new party if the list of candidates at an election is not satisfactory to them.

Quota/ preferential systems of election allow the maximum personal voting and marginally encourage party fusion. They require that the sophistication of the voters is great and the size of the constituencies (in a non-computerised election) is limited.

The rigid list system of PR, allows for limited choice and maximum power to the party centre.

Local candidates and wishes can be severely restricted. The use of optional personal votes in theory prevents this. but in a large modern election. the party list will almost always dominate. All the artificial constraints on the electoral process, like the threshold add uncertainties to the process. and can produce imbalanced seats/votes ratios, but these are almost always considerably smaller than those of the SMCS.

The solution to the perfect electoral system question will always depend on the situation the electorate presents to the system. An unsophisticated electorate will always need a simple electoral system, a sophisticated electorate needs a system with dynamism and competitive choice. Great care will be needed in each case to choose parameters that restrict the distortion that characterised South African parliamentary elections from 1910 to 1990. The SMCS choice can be immediately rejected for any future South African elections. Proportional voting in suitable constituencies with the use of the most mathematically sound number of voters per representative. the Droop quota can be chosen. The limitations of the electorate are the only confines on the degree of sophisticated voting that can be selected. In future, a well-educated, sophisticated electorate will require a system which is as fair as possible to each individual voter. Computerisation will be a vital component of that in both voting and counting. The new system must stretch the limits of human endeavour in producing the most accurate system that translates each person's complex choice of representatives, reflecting as closely as possible their perceived wishes, to produce the best government and parliament that mankind can attain.

RELATIVE PROPORTIONALITY CHART

Twenty South African Elections

Lower wmmmmmmWWv H ig her

Proportionality

Year-8 -5 -4 -2 0 2 4 5 810

1910 v

1915

1920

1921

1924

1929

1933

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1943

1948

1953

1958

1951

1965

1970

1974

1977

1981

1987

1989

Election indicator

V POTCHEFSTOOM INDEX % RAE INDEX

D. Simpson, 1990 (10.43 is zero on Potchefstroom Index)

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