

## **Chapter 3**

# **The Independent Electoral Commission (IEC): The Quest for Free and Fair Elections**

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### **Introduction**

With the founding election of April 1994 South Africans took the first but all-important step towards establishing democratic rule in South Africa. While elections in themselves do not guarantee democracy, they remain one of the key requirements for this system of government. The Independent Electoral Commission (IEC) - responsible for the administration of the 1994 election - was a temporary body that came into being about six months before the election was scheduled to take place. This was the first time that elections in South Africa were administered by an "independent" body.

Chapter 9 of the Constitution of the Republic of South Africa (Act 108 of 1996) makes provision for the establishment of a number of independent and permanent bodies responsible for overseeing key democratic activities. The Independent Electoral Commission is one such body and has been entrusted with the legal responsibility of giving effect to the following provisions in the bill of rights: "Every citizen has the right to free, fair, and regular elections for any legislative body established in terms of the Constitution" and "Every adult citizen has the right ... to vote in elections for any legislative body established in terms of the Constitution ..." (Sections 19(2) & 3(a)).

The IEC, established under the abovementioned constitutional provisions, began operating during the middle of 1998 - about a year before South Africa's second democratic election. During this period the IEC had to establish itself as a credible institution and to put in place a range of mechanisms to ensure a free and fair election. One such mechanism was South Africa's first common voters' roll.

The drafters of the Electoral Act (No. 73 of 1998) considered the requirement that all voters should be in possession of a green bar-coded South African identity document (ID) in order to register as voters. Since there was uncertainty about the number of potential voters who were in possession of this document at the time, the IEC and the Department of Home Affairs requested the Human Sciences Research Council (HSRC) towards the middle of May 1998 to conduct a study into the matter. The study had to determine the extent to which potential voters were in possession of the various forms of South African identity documents. The results would then influence a final decision on the matter.

To what extent was the IEC able to establish itself as a credible independent institution? What was the extent of possession of green bar-coded IDs one year before the 1999 election and how did this situation change shortly before the election? Was the requirement that every voter should be in possession of a green bar-coded ID in order to vote ultimately a factor that inhibited voter participation in the election? These are the questions we will attempt to answer in this chapter.

We begin the chapter with a review of the survey results on IDs, and then turn our attention to public perceptions of the IEC. In the concluding section we consider whether the requirement for a green bar-coded ID inhibited voter participation.

### **Enabling Document**

This section provides some of the key results of the HSRC's survey on the extent of possession of various IDs in July 1998. We will also refer to the results of a similar survey, albeit based on a smaller sample, conducted by the HSRC during February-March 1999. The more recent survey provided an update on the situation three months before the election.

## Research Methodology

The type of information requested by the IEC called for a countrywide quantitative survey involving face-to-face interviews with a representative sample of respondents. This procedure required the development of a questionnaire as a measuring instrument.

The more or less 40 000 enumerator areas (EAs), demarcated by the Central Statistical Service for the 1996 census, served as the primary sampling units. In total, 926 EAs were sampled. Some 891 of the 926 sampled EAs were surveyed during the study. Thirty-five enumerator areas could thus not be accessed. This was due to refusals, inadequate information on the location of the EA or inaccessibility of the area.

Within each EA, ten visiting points were randomly selected in a systematic way. Every person 17 years and older, irrespective of the number of households at a visiting point, had to be interviewed. In total, 9 859 households were visited and 23 577 individuals 17 years and older interviewed. The results were subsequently weighted to make them nationally representative.

## Results

### Voting intention

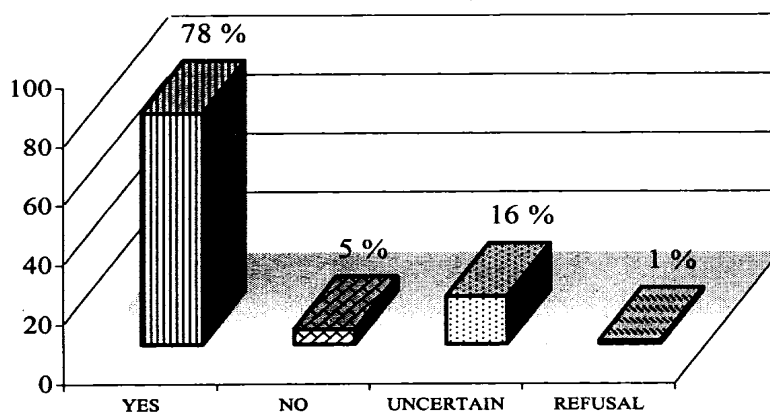
To obtain an indication of the number of voters who would require identity documents for voting purposes, the respondents were asked whether they had been born in South Africa. The vast majority of respondents (98%) answered in the affirmative. Among the subset of approximately two per cent of the respondents who had not been born in South Africa, the majority (84%) indicated that they were South African citizens.

Before we discuss the actual number and type of identity documents in the possession of the sample population, we need to look at the intention to vote among this group of individuals. All the respondents, irrespective of whether or not they had IDs, were asked to indicate whether they intended to vote in the 1999 election. The responses were noteworthy - firstly because of the relatively low level of refusals to answer (0,8%), and secondly because roughly three-quarters (78%) of the respondents clearly intended voting in the election, while five per cent intended not voting. Approximately 16% of the respondents were uncertain (see Figure 3.1).

A substantial majority of all the respondents, irrespective of their possession of IDs, intended participating in the next year's election. The challenge for democratic

participation lies in ensuring that all citizens who have the constitutional right to vote are in possession of the necessary documentation enabling them to exercise this right.

**Figure 3.1: Intention to vote in the 1999 election**



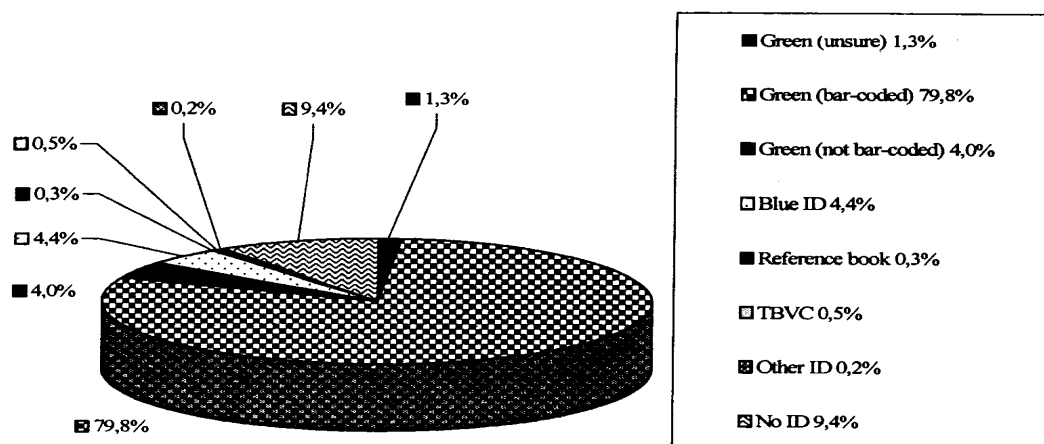
### Possession of South African IDs

Perhaps the most important finding of the survey was that slightly more than nine per cent (9,4%) of all the respondents (i.e. those citizens 17 years and older) had no form of ID) whatsoever (Table 3.1 and Figure 3.2). In many ways these individuals represented the core of the problem - those who would be disenfranchised if **any** form of identity document were required in order to vote.

**Table 3.1: Proportion of voting population in possession of IDs (17 years and older)**

ID type	Per cent of voting population
Green ID but unsure whether bar-coded	1,3
Green bar-coded	79,8
Green but no bar code	4,0
Blue ID	4,4
Reference book	0,3
Transkei ID	0,3
Bophuthatswana ID	0,1
Venda ID	0,2
Ciskei ID	0
Other	0,2
No ID at all	9,4
<b>Total</b>	<b>100,0</b>

**Figure 3.2: Possession of IDs (17 years and older)**



More than two-thirds (70%) of the respondents without any ID fell into the age group 17 to 21. This age group comprised those individuals who would be first-time voters in the 1999 election. This fact alone highlights the need for well-targeted voter education programmes and the timeous issue of IDs.

### **Types of documents in circulation**

Those respondents (90,3%) who had a South African ID at the time of the survey could have had any of a number of identification documents. Apart from a green bar-coded ID they could have had

- a green ID without a bar code (issued before July 1986);
- the old blue ID;
- an ID issued by one of the former TBVC states;
- a reference book issued to Africans by the previous administration.

Given the dates on which these other documents were issued, the respondents with documents other than the green bar-coded ID tended to fall in the older age groups.

In order to determine the prevalence of IDs with bar codes, the respondents were asked to show (or declare) their documents. This revealed that 86% of those individuals who did have an ID, had a green bar-coded one.

Although specific measures were taken to verify the status of IDs, it was not always possible to inspect the documents. Even if the respondents could not produce their IDs for verification, they were usually able to describe what type of ID they had. Unfortunately, recalling whether or not their green ID had a bar code proved difficult for some respondents. Such difficulties affected 3,4% of those with IDs. However, more than half (56%) of these documents were known to be green IDs issued after July 1986. If the date of issue is used to determine the type of the green ID, then the "unsure" category can be reduced to approximately one per cent.

Reasons given for being unable to produce IDs mainly (68%) involved keeping the document elsewhere. "Document kept elsewhere" generally referred to the document being in safekeeping or in a vehicle.

However, a number of the respondents also said that moneylenders had retained their IDs pending repayment of loans.

The distribution of IDs is shown in Table 3.1 and Figure 3.2. Here the values are based on the population potentially eligible to vote in the 1999 election. As such they are a better reflection of the possession of different types of IDs.

Potential voters in urban areas are far more likely to have some form of ID (91%) than their rural counterparts (84%). However, urban residents are more likely to have some form of ID other than the green bar-coded ID. About 16% of the respondents with IDs in urban areas had an ID other than a bar-coded one. The comparable figure for the respondents in rural areas was nine per cent. Despite the lower prevalence of IDs in rural areas, the higher incidence of non-bar-coded IDs in urban areas gave rise to an equal proportion of bar-coded IDs in both areas.

### **Application for new IDs and waiting time**

Of those respondents without any form of ID or an identity document other than a green bar-coded one, about one in five (21,4%) of the respondents replied that they had applied for a new ID. This would suggest that there had been limited incentive for people to apply for a new bar-coded ID.

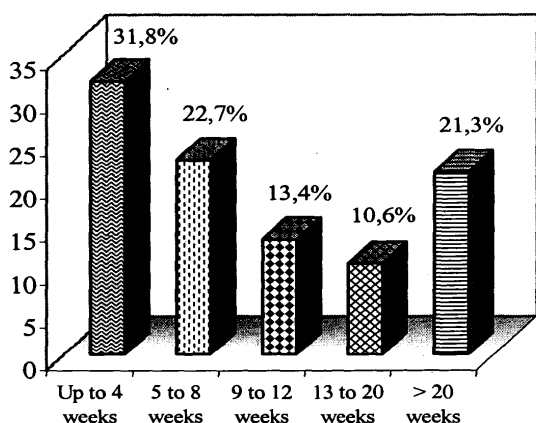
The respondents who had applied for a new ID were subsequently asked how long they had been waiting for a new document. The results are shown in Figure 3.3.

About 32% (31,9%) of the respondents who had applied for a new ID had been waiting for more than 12 weeks. Twenty-one per cent (21,3%) of the respondents indicated that they had been

waiting for more than 20 weeks, which may indicate that the Department of Home Affairs was experiencing problems in processing applications for new documents.

Those respondents without a bar-coded document, were asked whether they intended applying for a new ID. Only about 13% of these respondents replied that they did not intend applying for a new ID. This suggested that, together with the increased awareness that could be expected with the approach of the forthcoming election, applications for IDs would increase significantly in the coming months.

**Figure 3.3: Waiting period for a new ID**



### **Awareness of the need to have an ID to vote**

One objective of the survey was to gauge the level of awareness among the general public that a bar-coded ID was required for a person to vote in the next general election. Although the interviewers were trained not to stress the requirement for bar-coded IDs during the interviews, the respondents were asked a range of questions about IDs. One can assume that there was a "learning effect" and that the respondents might have inferred the "correct" answer to this question. Nonetheless, 60% of the respondents replied that they were unaware at the time of the need to have a new ID to vote in any future election. This suggests that a large proportion of those expecting to vote would not be able to vote if a bar-coded ID were required.

### **The Great Debate**

The discussion up to now has provided a brief overview of the situation pertaining to identity documents nine months before the election. The release of the HSRC report led to considerable public debate on what should be done to prevent the disenfranchisement of potential voters.

The Department of Home Affairs gave an undertaking that it would do whatever was necessary to ensure that all potential voters were issued with bar-coded IDs in time for the election. The government accordingly decided that only bar-coded IDs would be allowed as enabling documents for the 1999 election. A key argument behind this decision was that it would ensure the integrity of the voting process since multiple documents would increase the possibility of some people attempting to vote more than once. The Electoral Act was duly passed by parliament stipulating that only bar-coded IDs could be used by voters to identify themselves.

This decision was not accepted by some opposition political parties. The New National Party and the Democratic Party instituted legal proceedings in an attempt to allow older IDs as a form of identification. The argument in both court cases was essentially that a significant number of voters would be disenfranchised by the decision as reflected in the Electoral Act. The Department of Home

Affairs' capacity to deliver the new IDs in time was also questioned.

How did the situation change just prior to the election? Had the department been able to process all the applications for bar-coded IDs in the relatively short period of time at its disposal? The HSRC conducted a follow up survey among a national sample of 2 200 respondents in February-March 1999 to measure changes in the extent to which potential voters were in possession of the required bar-coded IDs.

The results suggest a significant improvement in the situation. About 95% of potential voters were in possession of bar-coded IDs by March 1999. This represented a 15% improvement compared to the situation eight months earlier. Only two per cent of potential voters were not in possession of any ID in March 1999 (compared to about ten per cent in July 1998).

These findings suggest firstly that the Department of Home Affairs and the IEC had been successful in raising awareness about the need to have a bar-coded ID in order to participate in the election. The extensive media coverage that followed the release of the HSRC's July 1998 findings, as well as the ensuing public debate, certainly assisted in raising public awareness. The media campaigns of the department and the IEC significantly also increased awareness. Secondly, the results suggest that the department was indeed able to process the numerous applications in the available time. The detailed results in the HSRC's report undoubtedly assisted the department to target its operations.

### **Public Perceptions of the IEC**

It was mentioned at the beginning of this chapter that the IEC, as an independent body responsible for the management of elections in South Africa, began its work about one year before the 1999 election. This gave the IEC a relatively short period of time to establish itself as a credible institution. To what extent did the IEC succeed in establishing itself as an institution fit to deliver credible election results? In order to gauge public perceptions on this issue, the HSRC conducted a survey among a sample of 2 200 respondents (see discussion in Chapter 9). Here we will deal with the responses to three questions: Firstly, "To what extent do you trust the IEC?", secondly, "To what extent do you perceive the IEC to be a neutral body or does it support a particular political party?" and thirdly, "How positively or negatively do you view the IEC?"

Nearly two-thirds of those interviewed (63%) indicated that they trusted the IEC. Less than one in five of the respondents (15%) indicated that they distrusted the IEC at the time. About 17% of the respondents were ambivalent about this issue and an additional five per cent did not have an opinion on the matter.

This positive perception of the IEC was also reflected in the responses to the second question. About two-thirds (67%) of all the respondents indicated that they had a positive view of the IEC. Only ten per cent indicated that they had a negative perception of the IEC. The positive perception was more pronounced among those individuals who had registered to vote at the time of the survey. Seventy per cent of them had a positive view of the IEC. A negative view was held by less than one in ten (8%) of the registered voters.

Seven out of every ten (70%) individuals interviewed, indicated that they considered the IEC to be a neutral body. Less than one in five (16%) were of the opinion that the IEC supported a particular political party, while an additional 14% were unsure. This belief in the neutrality of the IEC was also prevalent among those respondents who had not registered to vote. About six out of every ten (58%) unregistered respondents believed that the EEC was neutral, while about 18% were of the opinion that the EEC supported a particular political party. A significant proportion (24%) of the unregistered respondents indicated that they were unsure of this.

An issue that impacts significantly on the credibility of any elections is the extent to which voters believe the ballot is secret. This in many ways cuts to the core of what free and fair elections in modern democracies have come to mean. This in essence represents the extent to which the IEC was able to develop and institute a voting process whose integrity was not compromised.

About 85% of potential voters in the HSRC's March 1999 survey believed that their vote would be secret. Only one in ten (10%) believed this would not be the case, with an additional five per cent unsure (see also the discussion of the results of the exit poll conducted on election day in Chapter

4). This was a remarkable achievement for the IEC. This did not only suggest a belief in the secrecy of the ballot as such, but also signals the extent to which South Africans as a whole have bought into elections as an important activity in a democratic state.

All in all, these results suggest that the IEC had been able to establish its credibility among a broad cross-section of the South African population. This was remarkable given the short period in which this was accomplished. The success of the 1999 election, measured by the relatively high voter turnout despite the more onerous registration procedures, and the positive evaluation of voters of the voting process, reinforces this finding.

## **Conclusions**

The results reported in this chapter show how the debate on IDs was successful in raising public awareness of the need to have a bar-coded ID in order to participate in the 1999 election. Secondly, the results show the extent to which the IEC was able to establish itself as a credible organisation for managing the election.

The HSRC study on IDs highlighted four key realities about the extent to which IDs were available to potential voters by mid-1998 - about nine months before the election. Firstly, about one in five potential voters were not in possession of a green bar-coded ID. This translated into between 4,7 million and 5,3 million potential voters. Secondly, about nine per cent of potential voters did not have an ID of any kind. This translated into between 2,2 million and 2,4 million voters. The third reality was that there were distinct regional differences in the extent to which IDs were possessed by South Africans. The fourth and last reality was that the vast majority of potential voters who did not have valid IDs were first-time voters - that is, individuals in the 17-21 year age group.

These results underscored the extent of the challenge that faced the IEC and the Department of Home Affairs in compiling a credible voters' roll and in delivering a free and fair election. The significant improvement in the degree to which bar-coded IDs were in the possession of individuals 18 years and older in March 1999, demonstrated the extent to which the IEC and the Department of Home Affairs had been able to raise the required awareness. In addition, the department was also able to ensure that a large proportion of potential voters actually acquired the new ID. This was the key to a successful election.

Did the requirement of a bar-coded ID inhibit voters' participation in the 1999 election? The results of a HSRC survey conducted in March 1999 showed that more than 60% of individuals who did not register for the election were in possession of a bar-coded ID at the time. This finding suggests that other factors impacted on whether voters registered or not for the election and that possession or not of a bar-coded ID was not a significant factor.

The strong belief in the secrecy of the ballot among the voting population was another factor that led to a high voter turnout. Any doubt about this crucial aspect of the electoral process would also have impacted negatively on the registration process and the comprehensiveness of South Africa's first common voters' roll.

To conclude, the extent to which the IEC was able to establish itself as a credible institution and the belief in the secrecy of the voting process were important variables that influenced the success of the 1999 election. The broad base of positive support for the IEC among the voting population translated into a relatively high voter turnout on 2 June 1999. While some isolated administrative problems were recorded on election day, South African voters enjoyed, by all accounts, a free and fair election.