

THE DEMOCRACY DEVELOPMENT PROGRAM NPC (DDP) OBSERVATION REPORT



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DEMOCRACY DEVELOPMENT PROGRAM NPC (DDP) - OBSERVATION REPORT

EXCLUSIVE SUMMARY

The Democracy Development Program NPC (DDP), with its partners, had observers at different election stations during South Africa's 5th national and provincial elections. This report is a reflection of what happened on 7 May 2014, and provides an outline of what worked, what did not work and what could be done differently in future, based on the practical observations of DDP observers. More so, since it is DDP's view that democracy is not a once off event, such as the elections, but is a progressive process that requires constant commitment, public participation, strengthening and advancement of the voice of the people and ensuring that those in power are held accountable. The various platforms created by the DDP for political parties to engage amongst each other and wide variety of stakeholders surely contributed towards raising awareness and mobilizing people to exercise their inalienable right to vote. As such, these debates prior to the elections have been investigated as well in the form of DDP's work around the elections and its observer team deployment.

A full and detailed analysis of observer reports are provided and in section 7 of this report the main findings are outlined, followed by clear and precise recommendations for the IEC and future elections to be held in South Africa. Nevertheless, in short, based on the election observation's reports, DDP declare the 2014 national and provincial elections as free, fair and legitimate. There is, however, room for improvement in terms of administration and logistical arrangements on the part of the IEC.

1 INTRODUCTION

The 2014 national and provincial elections have been described by many people as a resounding success, in terms of voter turnout, particularly in KwaZulu-Natal. Despite the fact the elections were characterised by some minor incidents of political tolerance and vigorous political campaigning.

DDP was abundantly proud and humbled to have been part of the process building-up to the hosting of the free and fair elections. It remains our strong belief that democracy is not a once-off event, such as the elections, but is a progressive process that requires continuous engagement, public participation, amplification and elevation of the voice of the people and ensuring that those in power are held accountable. The various platforms created by the DDP for political parties to engage amongst each other, and wide variety of stakeholders, surely contributed towards raising awareness and mobilizing people to exercise their inalienable right to vote.

This report does not reflect or project the whole picture of what transpired during the recent national and provincial elections. What it does, is it captures in details the observations of more than 64 observers who were spread around the Ethekewini Municipality, which observed 75 polling stations. The report further measures the recent elections against the standards and

instruments set up by the African Charter on Democracy, Elections and Governance, which amongst other things in Chapter 7 Article 17, requires State parties to regularly hold transparent, free and fair elections and well as the standards set forth by Independent Electoral Commission (IEC).

2 PURPOSE OF THE REPORT

This observation reports seeks to capture in detail what transpired on 7 May 2014 in the identified voting stations, and also give an outline of what worked, what did not work and what could be done differently in future. Furthermore, this report is not exhaustive and does not claim to be authoritative, but it is based on the practical observations of DDP observers. The report, moreover, reflects on the processes building-up to the elections, whereby, political parties were afforded a platform to engage with the public and share their manifestos and intentions.

3 OBJECTIONS OF THE REPORT

- To provide an overall picture of what transpired at the selected voting stations during the voting day,
- Give a full account of the level of preparedness, capacity and ability of the IEC to execute its mandate,
- Measure the extent of voters attitudes, perceptions and expectations,
- Give an account of the conduciveness of the physical environment inside and outside the voting station,
- Outline the whole process that culminated into the DDP observation of the elections,
- Based on our observer’s reports, assessments and insights declare the elections free and fair/not free and fair, and
- Identified important lessons learned in this elections and make recommendations on how things could be done differently in order to yield better and desirable outcomes.

4 THE PROCESS LEADING TO THE OBSERVATION

4.1 Political parties’ debates and dialogues

In February 2014 DDP held a meeting with different political parties with an aim of introducing the DDP political debate and dialogue programmes. All political parties agreed to be part of the process and committed themselves to participate in the DDP organised events.

The following pledge was signed by the political parties:

“This letter serves to confirm that I.....in my capacity as the representative of.....hereby commit my party to participate fully in the DDP Political Party Debates. I and my party are aware that the political debating space created by the DDP, is meant for engagement between the citizens and the political parties to promote democracy and a culture of human rights. I further acknowledge that I am obliged to respond timeously to the DDP invitation to attend and my party shall take it upon itself to send a representative as per the requirement”

4.2 Parties that participated in the DDP debates and dialogues

- The Congress of the People (COPE)
- The African National Congress (ANC)
- The Azanian Peoples Movement
- The Minority Front (MF)
- AGANG SA
- Inkatha Freedom Party (IFP)
- The African Christian Democratic Party (ACDP)
- The National Freedom Party (NFP)
- Economic Freedom Fighters (EEF)

4.3 Outcomes of the debates

The debates held, created an excellent yardstick for what we could expect going forward to the elections of 7 May 2014, and prepared DDP both materially and psychological, and gave DDP a glimpse of what to expect during the elections. The vibrancy and candidness of the debates convinced DDP that South Africa had turned the corner to become a mature democracy.

5 ELECTION OBSERVATION

5.1 Securing an observer status

DDP submitted an application to the IEC, to be accredited for 100 observers. Unfortunately IEC accredited DDP for 60 observers only.

5.2. Recruitment and selection of observers

DDP is a member of the KwaZulu-Natal Democracy Election Forum (KZNDEF). All our observation activities and interventions were thus guided and conducted within the perimeters of this formation.

DDP was part of a series of planning meetings that were held with the observers subcommittee, led by Mr. Mxolisi Nyuswa. One of the pressing tasks of the KZNDEF, and the election observations subcommittee in particular, was to secure funding for the observation and recruit as many observers as possible. The aim was to recruit 1000 observers. This target number was informed by our interactions with political parties and communities during the political debates, Mandela Conversations and political debates. During these debates it emerged that the 2014 elections would be highly contested, emotionally charged and contentious. Deducing from the lessons learned over the last elections, regarding funding for observations, we resolved as the DDP to have an alternative plan in case funding could not come through, and also this became a fulfilling prophecy, hence we had to do with the sixty observers and had to provide stipends for them from DDP reserves.

5.3. Working through partnerships and the selection of volunteers

DDP works with various partners in the townships, rural areas and informal settlements. The selection of observers was consequently made a seamless exercise through the cooperation of our partners especially the KwaMakhutha Community Resources Centre, the YMCA and the Folweni Community Resources Centre. All DDP staff members were also part of the observation team.

5.4. Training of observers

On 5 May 2014, DDP conducted training for more than 80 observers including those from the YMCA and COMBOCO. The training covered the following important aspects of observation aspects in line with the Electoral Act 73 of 1998:

- What is the difference between the national and provincial governments,
- Definition of election observation: "...election observation means the purposeful gathering of information regarding an electoral process, and making informed judgments on the conduct of such process on the basis of information collected".
- Code of Conduct for Accredited Observers: the emphasis was on the do's and don'ts of an electoral observer, that is:
 - Observers should observe the elections impartially and independently of any registered party or candidate contesting elections,
 - Remain nonpartisan and neutral,
 - Be competent and professional in observing elections, and
 - Provide the commission with a comprehensive review of the elections taking into account all relevant circumstances.

5.5. Adherence to the Code of Conduct for Accredited Observers

Based on the reports submitted by our observers and from the observation of our DDP roving observers, and also the fact that there has been no complaint about our observers, we can thus safely say our observers adhered to the spirit and dictates of the election observer's code of conduct. It is against this background that we devoted 6 June 2014, to acknowledge and award certificates to our observers for their outstanding ethical and professional performance.

6 SUMMARY OF ELECTION OBSERVATION

Registered voters	5 117 131
KZN voter turnout	75.98%
Total number of votes cast in the province	3 887 840
Spoiled votes	51 831

6.1 Overall assessment of the polling process

Observers were required to tick yes or no. In addition, at the end of the checklist they were required to assess and score the conditions in that particular voting station based on an assessment scale from very good to very poor. What is to follow is a summary of the reports:

Very good: No incidents of irregularities: 37%

Good: A few incidents or irregularities were observed that had no significant effect on the integrity of the process, 58%

Average: Incidents or irregularities were observed that had no significant effect on the integrity of the process: 4%

Poor: Incidents or irregularities were observed that could have significantly affected the integrity of the process: 1%

Very poor: incidents or irregularities occurred, which so affected the integrity of the process as to render the results from one or more polling stations meaningless: 0%

6.2 Analysis of observer reports

SUBJECTS	% YES	% NO	COMMENTS
1. Environment			
1.1. Were there political campaigns next to the station?	45%	55%	This was very prevalent in most polling stations, campaigning, playing political party music accompanied by low intensity intimidations whereas in other polling stations the intimidation was overt.
1.2. Were there individuals inside the voting station boundary trying to influence the way people vote?	20%	80%	There was undue interference in certain voting stations, whereby the party's tables were closer to the entrance gates.
1.3. Have voters been turned away before entering the voting station?	3%	97%	There were instances where voters were turned away because they were wearing party paraphilia.
1.4. Was the polling centre in a neutral location?	100%		There were no complaints about accessibility in this regard
1.5. Have any voting-buying activities been reported or observed?	2%	98%	Not overtly, but the issuing of food to IEC officials by some party agents was cited as a breach of the Electoral Act
2. Before opening			

2.1. Was the voting station located at the place determined by the EMB?	100%		Almost all the stations were allocated by the Board.
2.2. Was the voting station set up to ensure secrecy of the ballot marking process?	90%	10%	Some voting stations did not follow the IEC floor layout plan, which was very confusing and in many instances exposed IECs officials ignorance of this fact.
2.3. Were all essential election materials/documents (ballots, inks, forms etc.) available?	65%	35%	Shortage of ballot papers, forms, scanners and ink were some of the limitations that frustrated voters forcing them to wait for longer period, whereas others had to leave without voting.
2.4. Was the voting station organised in accordance with the procedure spelled by the EMB?	85%	15%	Some voting stations did not adhere to the IEC floor layout, which ultimately compromised voter's secrecy of their votes.
2.5. Did the voting station open at stipulated time?	97%	3%	Many voting stations opened in time however the problem was that the voting process in others did not resume there and then.
3.The polling process			
3.1. Were there any agents of the candidates/parties present at the voting station?	100%		Political parties were represented inside the polling stations.
3.2. Were any observers present at the voting station?	65%	35%	There were polling stations where there were no observers, whereas in others there was an obvious oversupply of observers.
3.3. Were ID cards/documents checked to ensure they have not already been punched?	100%		Yes they were all checked.
3.4. Were all ballots stamped before they are given to the voters?	99%		There were few instances where the checking of IDs took very long due to shortage of scanners.
3.5. Were voters who needed assistance helped according to regulations?	70%	30%	In other polling stations the elderly, the infirm and pregnant women were forced to stand in long queues, whereas the majority of the voting stations they were taken care of.

3.6. Could the voters mark their ballots in secret, without being observed by anyone?	95%		There were concerned that in other stations there were people who had no authority to be there, who were loitering, whereas in others in was absolute chaos, and the presiding officers could not maintain order.
3.7. Were there any persons without proper authority in the polling stations?	70%	30%	In some of the polling stations there were people who were not supposed to be inside, but many of them were those who were awaiting assistance.
3.8. Were any objections or complaints lodged during the process?			Very few complaints especially during the counting which can have no bearing on the free and fairness of the elections.
4. Closing process			
4.1 Did the voting station close at legally stipulated time?	95%	5%	The majority of the voting stations closed in time and those people who were still inside the voting station were allowed to cast their votes.
4.2. Were there voters standing in queue when polling station is closed?	35%	65%	There were voting stations that were overcrowded due to many factors, such as people coming late to vote, whereas in others shortage of forms and scanners delayed the process. In almost all the observed voting stations people who were in the quest were allowed to vote.
4.3. If so, were they allowed to vote?			People who were inside the voting station were allowed to vote.
4.4. Were the ballot boxes sealed correctly in the presence of observers and agents?	95%	5%	The ballot boxes in some other polling stations were not separated, however they were properly sealed.
4.5. Was the voting station closed off for counting?	100%		Yes all polling stations adhered to this requirement.
4.6. Were there party agents and observers during counting?	99%	1%	Yes there were, although in other polling stations there were those who left early.
4.7. Were the unused and spoiled ballots properly reconciled?	100%		Yes they were all properly reconciled it seems IEC officials were well trained in this regard.
4.8. Were there any objections during counting?	75%	25%	Yes there were objections which in many instances were dealt with inside the stations in an amicable manner.
4.9. Were result slips signed by all party agents?	100%		Yes.

4.10. Did the polling centre manager collect the ballot boxes and election materials?	100%		Yes in the presence of the security personnel.
4.11. Were observers and party agents allowed to accompany the vehicle transporting ballots?	75%	15%	Yes they were allowed, but in other voting stations they experienced some challenges in terms of transport to the counting centres.
5. Post-election			
5.1. Were results released within the period stipulated in the legislations?	100%		Final results were released almost three days after the elections, which is within the legal limit of seven days.
5.2. Were results of the elections accepted by political parties?	100%		All parties accepted the outcomes of the results.

7 MAIN FINDINGS

- **Opening of the voting stations**

Whereas most voting stations opened in time, but in others this did not translate into commencement of the voting process. There were instances where the voting stations opened in time, but people could not cast votes due to shortage of voting materials.

- **Long queues**

It seemed as if IEC officials were caught off guard for the high voter turnout. The long delays resulted in some people leaving the voting stations without voting, but the majority of people waited patiently.

- **Voting stations set-up**

There were voting stations that did not adhere to the IEC floor set-up requirements. This confused voters and in some instances compromised the secrecy of the vote, whereby people could walk behind the voter while he/she was marking their ballot paper.

- **Attitude of officials**

The mood and atmosphere in the voting stations was good and the IEC officials were helpful.

- **Lack of knowledge and information**

There were voting stations where presiding officers refused to allow our observers, giving the reason that they were not informed that there would be observers. In other cases they asked our observers to bring along a letter from the IEC, which we found absurd because our observers were wearing IEC bibs and their identifications were visible.

- **Wearing of party clothes at the voting station**

Although there is no legislation disallowing this practice, however in the previous elections it had become a norm that people do not wear their political party regalia. This time

around this was norm more than a rule, this perhaps was further precipitated by the announcement by chairperson of the IEC, advocate Pansy Tlakula, two days before the election where she said at the national results operations centre in Pretoria "...we have heard in the past that voters are not allowed to wear T-shirts of their political parties. The law doesn't say that". She added, "Voters can wear anything. Imagine if a voter turns up with a T-shirt of a political party then we say to them, 'go back and dress properly'. How many would we turn back?"

This statement had unintended consequences where we observed:

- Some presiding officers turning people who were wearing their political party apparels away due to the fact that they were not aware or the message was not conveyed to them,
- Resulted in atmosphere characterised by tensions, fear and intimidation at the voting stations that could have resulted in serious conflicts, and
- The fact that the information was not communicated well to the public, there were members of the public who raised serious concerns about this.

- **Shortage of ballot papers and forms**

This caused a serious delay in the voting process, and people having to wait in long queues to cast their votes. Apparently the massive turnout in certain voting districts, whereas others were deserted could be attributed to inability to convey relevant information to voters whose voting district had been changed.

- **The counting process**

This process went smoothly in most of the observed voting stations, with minimal complaints and contestations.

- **Safety and security**

The presence and visibility of the police and the army, at the hot spot areas, contributed towards peaceful elections.

- **Spoiled ballots**

KwaZulu-Natal had the highest number of spoiled ballots. This could be attributed to various factors some of whom are a matter of conjecture due to lack of valid scientific study, such as lack of voter education, high level of illiteracy, intimidation, inefficiency of officials when required to assist the infirm, the elderly, and voters who came at the polling stations drunk.

- **Campaigning and party tables next to the polling stations:**

Some of the party tables were placed in such a way that they blocked the entrance to the voting stations. Since political party representatives carried the voter's rolls (which are not illegal), but some people assumed that this was a standard procedure that before they entered the voting stations they need to check their names in these tables.

- **Labeling of ballot boxes**

The use of one ballot box for provincial and national ballots was compounded by the shortage of ballot boxes in some voting stations. Plus, for people who are used to the previous electoral procedures they were uncomfortable and raised concern that that this could result in vote rigging.

- **Lack of electricity and disorganised stations**

In some voting stations there was a lack of electricity, and whatever light was there it was already dark, and furthermore, in other stations were organised resulting in them opening very late, the result being that many people had already left without casting their votes.

8 THE DDP DECLARATION ON THE 2014 NATIONAL AND PROVINCIAL ELECTIONS

Based on the observations and eye witnesses on what emerged at the observed voting stations, DDP can safely declare the 2014 national and provincial elections free, fair and legitimate. There are, however, room for improvement in terms of administration and logistical arrangements on the part of the IEC.

Score: Good. A few incidents or irregularities were observed that had no significant effect on the integrity of the process.

9 RECOMMENDATIONS

- Better training for electoral (IEC) staff,
- More observers to be deployed in voting stations,
- The permission of wearing of party regalia at the polling stations should be reviewed or properly regulated,
- More training for security personnel and dissemination of information regarding the electoral law and regulations,
- Campaigning next to the polling stations including the political party tables that in many instances were very closer to the voting stations should be regulated or banned, and
- The IEC should ensure that there is adequate equipment (scanning devices) and forms in order to avoid potential chaos and violence, as people become restless and frustrated.

10 CONCLUSION

Besides some of the minor incidents cited in this report the elections were fairly free and fair. There are, however, some very important lessons that the IEC should learn, especially in terms of consistency and communicating relevant information, in time, to both the IEC officials and the public at large. There are many lessons that we as an organisation learned during the process the major one being that democracy education should be a continuous process.

The high voter turnout signals the maturing of South Africa's democracy and the confidence that South Africans have in the democratic system, however this confidence could also signal a message from the people that the people's patience is not unlimited, hence political parties should not take voters for granted, come the 2016 local government elections voters might sing a different tune should the political parties fail to fulfill their promises.