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EISA  
ELECTION OBSERVER MISSION  
REPORT  
SOUTH AFRICA



NATIONAL AND PROVINCIAL ELECTIONS  
12-14 APRIL 2004

EISA ELECTION OBSERVER MISSION REPORT No 14

ELECTORAL INSTITUTE OF SOUTHERN AFRICA

EISA  
ELECTION OBSERVER  
MISSION REPORT

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SOUTH AFRICAN  
NATIONAL AND PROVINCIAL  
ELECTIONS

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ELECTORAL INSTITUTE OF  
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EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.

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## EXECUTIVE SUMMARY

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The Electoral Institute of Southern Africa (EISA) deployed a Regional Mission to observe the South African elections, which were held from 12 to 14 April 2004. This is the Mission's assessment of the elections. The assessment covers the election period from pre-polling to voting, including counting and the transmission of results.

The Mission comprised 40 representatives of electoral commissions, civil society organisations and government ministries from ten Southern African Development Community (SADC) countries. The Mission Leader was Mr Abel Leshele Thoahlane, the Chairperson of the Lesotho Independent Electoral Commission and Chairperson of the EISA Board of Directors. The Deputy Mission Leader was Mr Denis Kadima, Executive Director of EISA. Members of the Mission arrived in South Africa on 7 April 2004 and observed events until 16 April 2004. They left the country on 17 April 2004 (the details of the deployment of the Mission's members and of its work during that period are contained in Appendix 1: Composition of the EISA Observer Mission).

The Mission's assessment of the South African 2004 Election was based on the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). PEMMO was developed by the Election Commissions Forum of SADC Countries (ECF), which comprises all the electoral management bodies (EMBs) in the SADC region, in partnership with EISA.

This report gives the main findings of the Mission and makes recommendations to relevant election stakeholders for future elections. The report will be shared with the Independent Electoral Commission of South Africa (IEC), political parties that contested the elections and civil society organisations in South Africa as well as with government authorities, election management bodies and civil society organisations across the region, so that lessons can be drawn.

**Conclusions and recommendations**

The Mission concluded that the elections in South Africa were conducted in conformity with the PEMMO and in a peaceful, orderly, efficient and transparent manner. Hence, the Mission was satisfied that the outcome of the elections was a true reflection of the will of the people of South Africa. The Mission therefore congratulates the IEC, the political parties, civil society and the people of South Africa on securing an appropriate and conducive environment in which free, fair and legitimate elections could take place. The Mission hopes that this environment will be conducive to further socio-economic development and to meeting the challenges that lie ahead for South Africa.

The Mission noted with interest the remarkable strides made in the democratisation process as evidenced by the maturity of political parties, the IEC, civil society organisations and the people of South Africa who came out in large numbers to choose the government that will guide them for the next five years. The Mission was impressed by the degree of independence enjoyed by the judiciary in South Africa, in particular the Constitutional Court, as this contributed to creating confidence in the process. The Mission also noted with great satisfaction the substantial participation of women in the electoral process both as elections officers and as voters, which shows the kinds of advances in gender participation in the country that are recommended in the SADC Gender and Development Declaration.

Finally, the Mission made a number of recommendations in areas where it felt there could be improvements (see section 6).



## ACKNOWLEDGEMENTS

The EISA Mission would not have been as successful without the support and cooperation of a host of people and institutions. The list is long but the Mission would like to single out a few of those people and institutions whose support, cooperation and encouragement had a direct positive impact on its work.

Firstly, our gratitude goes to the IEC, not only for inviting EISA to observe the elections but also for its willingness to meet the Mission at different levels at a time when the commission's staff were under tremendous pressure to deliver successful elections. The IEC was very helpful in providing critical information which allowed the Mission to understand the South African electoral process.

Our special thanks go to political parties and civil society organisations which agreed to meet the Mission to exchange information on the electoral process.

The Mission is indebted to the people of South Africa for their willingness to share their experiences, thoughts, opinions and views on the electoral process and the broad democratisation process in the country. The hospitality and support extended to the Mission are heartily appreciated.

We are grateful to the United States Agency for International Development's Regional Centre for Southern Africa (USAID/RCSA) and to the Belgian and Norwegian governments for the generous funding which made the deployment of the Mission possible. USAID/RCSA funding was channelled through DAI/ACCORD. We appreciate the open way we were able to interact with Ms Joyce Titi Pitso of DAI/ACCORD and her colleagues.

We thank EISA and its staff for their remarkable and professional coordination of the Mission. The Mission is grateful to Mr Martinho Chachiuu, EISA Programme Officer, for compiling this report.

## TERMS OF REFERENCE

The Terms of Reference of the Mission were:

- Assess whether the conditions existed for the conduct of elections that reflected the will of the South African people.
- Assess whether the elections were conducted in accordance with the electoral legislative framework of South Africa.
- Assess whether the elections met the benchmarks set in the Principles for Election Management, Monitoring and Observation (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries (ECF).

In order to achieve the above, the Mission was to:

- obtain information from the Independent Electoral Commission on the electoral process;
- meet with political parties, civil society organisations and other stakeholders to acquaint itself with the electoral environment;
- report accurately on its observations and refer any irregularities to the authorities;
- observe all aspects of the election in the areas it visited;
- assess whether all registered voters had easy access to voting stations and whether they were able to exercise their vote in freedom and secrecy;
- assess the logistical arrangements to confirm if all necessary material was available for the voting and counting to take place efficiently.

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## EISA'S APPROACH TO ELECTION OBSERVATION

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In assessing the 14 April 2004 national and provincial elections in South Africa, the EISA Observer Mission conducted various activities covering the pre-election, election and post-election phases.

### **Election Update**

Financial and time constraints prevented the Mission from undertaking long-term field observation. EISA developed an innovative method of information gathering and sharing that would ensure that South African election stakeholders, EISA election observers and other interested groups were kept abreast of all the events which took place during the electoral process. *Election Update*, a newsletter containing information gathered and analysed by local experts based in each of the nine provinces, was published fortnightly.

### **Stakeholder meetings and political party rallies**

In the period leading up to and including the polling period members of the Mission held meetings with various electoral stakeholders, including representatives of the Independent Electoral Commission, political parties, civil society organisations and the media. Meetings were held at national, provincial and municipal levels. The Mission also met other domestic and international observers. Mission teams were deployed to six provinces, namely KwaZulu-Natal, Eastern Cape, Western Cape, Limpopo, Mpumalanga and Gauteng, covering both rural and urban areas. In the provinces, teams attended political rallies whenever possible. These meetings provided the Mission members with different viewpoints on the electoral process.

### **Observation of voting and counting**

The members of the Mission were deployed in the field from 9 April and observed special voting on 12-13 April and the voting and counting of ballots on 14 April 2004.

This report describes the findings of the Mission as informed by the above-mentioned activities.

# 1

# Historical Overview



- The period before 1999
- The 1999 national and provincial elections
- Political developments after 1999

## **I.1 THE PERIOD BEFORE 1999**

The inauguration of President Nelson Mandela on 10 May 1994 has been recorded in the history of South Africa as a major landmark of democracy. Despite the violence that preceded the 1994 elections, the elections were assessed by international observers and South Africans themselves as having been free, fair and legitimate. The Government of National Unity (GNU) that resulted from the 1994 elections had the historic mission of laying the foundation for a nation-building process. Indeed, the 1994/99 government came to be characterised by its two-legged approach. On the one hand, it emphasised reconciliation, an effort aimed at assuring whites and other minorities that there was a place for all in post-apartheid South Africa. The Truth and Reconciliation Commission was part of that effort. On the other hand, socio-economic policies in the form of the Reconstruction and Development Programme (RDP), followed by Growth, Employment and Redistribution (GEAR), both of which had an intrinsic black empowerment overtone, were adopted in order to correct the imbalances of the past.

The resolve of the people of South Africa since then to entrench democracy has been remarkable. Indeed, even when the GNU seemed to be on the verge of collapse, with the withdrawal of the then second largest party, at that time called the National Party (NP), in June 1996, the democratic institutions remained unshaken. The new Constitution, which is considered one of the

most progressive constitutions in the world, was adopted in 1996. In addition, the parliament passed legislation critical to sustaining the transitional process to democracy as well as to redressing historical imbalances by providing for employment equity, gender equality and the affirmation of women, to mention but a few examples. Finally, South Africa's judiciary, and particularly the Constitutional Court, enjoy indisputably high levels of independence vis-à-vis the executive and legislative branches of government. Thus, today, South African judiciary in general and the Constitutional Court in particular contribute significantly to democratic governance in the country.

Despite the challenges facing the consolidation of democracy in South Africa, and given the extent of the social and political tensions that characterised South African society prior to the 1994 elections, the progress made between 1994 and 1999 cannot be overstated. With all its problems, the period will be remembered as one in which the 'miracle' of the transition took place.

## **1.2 THE 1999 NATIONAL AND PROVINCIAL ELECTIONS**

The second democratic national and provincial elections took place on 2 June 1999. Twenty-six political parties contested the elections. Of those only sixteen contested both national and provincial elections.

The African National Congress won 66.35% of the national votes, less than one percent short of a two-thirds majority. The New National Party (NNP), formerly the NP, then the official opposition, received 6.87%, dropping to fourth place in Parliament, behind the Democratic Party (DP), with 9.56%, and the Inkatha Freedom Party (IFP), with 8.58%.

The ANC's overwhelming victory was also reflected in the provincial elections where it won seven of the nine provinces. Although it received the majority of the votes (42%) in the Western Cape, it fell short of an absolute majority, hence losing to a post-election NNP and DP coalition. In KwaZulu-Natal, the IFP also fell short of an absolute majority and had to enter into a coalition with the ANC, which had received the second highest number of votes, to form the provincial government.

At the national level, although the 1996 Constitution had dropped the clause providing for the inclusion of all parties with at least 10% of the votes in the

Government of National Unity, and in spite of the fact that no party other than the ANC had received at least 10% of the votes in the 1999 elections, President Thabo Mbeki invited the IFP into the government. This allowed for the retention of Mangosuthu Buthelezi, the leader of the IFP, as Minister of Home Affairs and for two further ministerial and two vice-ministerial positions to be given to IFP members. In a later move, the leader of the Azanian People's Organisation (AZAPO) was appointed as a deputy minister in the national government.

**Table 1**  
**South African Election Results 1999**

Party	Votes won	% of Votes	Parliamentary Seats
African National Congress (ANC)	10 601 330	66.35	266
Democratic Party (DP)	1 527 337	9.56	38
Inkatha Freedom Party (IFP)	1 371 477	8.58	34
New National Party (NNP)	1 098 215	6.87	28
United Democratic Movement (UDM)	546 790	3.42	14
African Christian Democratic Party (ACDP)	228 975	1.43	6
Freedom Front (FF)	127 217	0.8	3
United Christian Democratic Party (UCDP)	125 280	0.78	3
Pan-African Congress of Azania (PAC)	113 125	0.71	3
Federal Alliance (FA)	86 704	0.54	2
Minority Front (MF)	48 227	0.3	1
Afrikaner Eenheidsbewiging (AEB)	46 292	0.25	1
Azanian Peoples' Organisation (AZAPO)	27 257	0.17	1
Abolition of Income Tax and Usury Party (AITUP)	10 611	0.07	0
Government by the People Green Party (GPGP)	9 193	0.06	0
Socialist Party of Azania (SOPA)	9 062	0.06	0
<b>TOTAL</b>	<b>15 977 142</b>	<b>100.00</b>	<b>400</b>

Source: Independent Electoral Commission

### **1.3 POLITICAL DEVELOPMENTS AFTER 1999**

Two main political developments characterised the party system in South Africa after the 1999 elections. The first was the birth and subsequent demise of party coalitions; the second was the adoption of legislation allowing elected representatives in the National Assembly, the provincial legislatures and the local councils to cross the floor during a 'window period' between elections either to join an existing or to form a new party without losing their seats.

The almost two-thirds majority of the ANC in the National Assembly and the fragmented provincial legislatures in KwaZulu-Natal and Western Cape in the aftermath of the 1999 elections created fertile soil for party coalitions or partnerships. Indeed, less than a year after the elections the DP and the NNP, joined by the Federal Alliance (FA), entered into an alliance that came to be known as the Democratic Alliance (DA). The motivation was twofold – to prevent the ANC from reaching a two-thirds majority nationally, amid fears that it would attempt to change the Constitution, and to keep the ANC out of power in the Western Cape. The alliance partners campaigned together in the 2000 local elections. Interestingly, the subsequent withdrawal of the NNP from the DA was followed by a loose coalition between the NNP and the ANC, which allowed the two parties to control the Western Cape.

On the other hand, the inability of any party to win an outright majority in KwaZulu-Natal, led the IFP and the ANC to form a coalition Cabinet in this province. This coalition was motivated by the same considerations that had prompted the two parties to cooperate after the 1994 elections, namely to contain political violence in KwaZulu-Natal.

The broad political implications of these dynamics for South Africa's party system and representative democracy lie in the fact that most of the coalitions were motivated by the quest by political parties for immediate gains rather than by the will of the electorate. The apparent absence of solid ideological foundations to sustain the coalitions and the individual ambitions and conflicts led invariably to serious in-fighting, resulting, frequently, in their dissolution followed by a swapping of alliance partners. The collapse of the DP/NNP coalition was followed by the formation of a partnership between the ANC and the NNP, the two parties that then sponsored the floor-crossing legislation. Interestingly, the DA/DP supported the introduction of the

legislation. The United Democratic Party (UDM) opposed it vehemently, taking the matter to the Constitutional Court. The net result of the coalitions and the floor crossing is that the parties' shares of seats in Parliament, the provincial legislatures and the municipal councils changed between elections. By 2003, the ANC had achieved and exceeded a two-thirds majority in the National Assembly. The UDM, on the other hand, lost most of its representatives in Parliament – an unusual situation given the fact that South Africa uses a Proportional Representation (PR) electoral system.

**Table 2**  
**Composition of the National Assembly After Floor Crossing**

Political Party	No of Seats after 1999 Elections	No of seats after Floor crossing (as at 5 April 2003)
African Christian Democratic Party (ACDP)	6	7
AEB	1	0
African National Congress	266	275
AZAPO	1	1
Democratic Party (DP)	38	–
Democratic Alliance	–	46
Federal Alliance (FA)	2	2
Freedom Front (FF)	3	3
Inkatha Freedom Party (IFP)	34	31
Minority Front (MF)	1	1
New National Party	28	20
Pan Africanist Congress of Azania (PAC)	3	2
United Christian Democratic Party (UCDP)	3	3
United Democratic Movement (UDM)	14	4
African Independent Movement (AIM)*	0	1
Alliance for Democracy and Prosperity (ADP)*	0	1
Independent Democrats (ID)*	0	1
Peace and Justice Congress*	0	1

Source: Electoral Institute of Southern Africa ([www.eisa.org.za](http://www.eisa.org.za))

\*Parties formed after the adoption of the floor-crossing legislation



# 2

# Electoral Framework



- The legal Framework



- The Independent Electoral Commission



## 2.1 THE LEGAL FRAMEWORK

Although there have been some amendments to the existing legislation and fresh legislation has been passed, the 2004 elections were, by and large, conducted under the same system as the previous elections. The Constitution of the Republic of South Africa (Act 108, 1996) provides for universal adult suffrage, a national common voters' roll, regular elections and a multiparty democratic system of government. The Constitution also provides, inter alia, that the voting age is 18 (s 46 (1)(c)), and that the electoral system is based on Proportional Representation (s 46(1)(d)). In addition, the Bill of Rights, which is incorporated in the Constitution, provides for the general political freedoms of the citizens of South Africa, inter alia, freedom to form a political party, the right to free, fair and periodic elections and the right to stand for public office. The Constitution provides for the establishment of an Independent Electoral Commission to manage the electoral process as described below as well as for the establishment of an electoral court charged with ruling over electoral conflicts. The Mission concluded that, overall, the legislative bodies referred to above have contributed to the creation of an environment conducive to successful elections, as recommended in SADC's PEMMO.

## 2.2 THE INDEPENDENT ELECTORAL COMMISSION (IEC)

Article 191 of the South African Constitution determines that the Independent Electoral Commission must be composed of at least three

persons, one of whom must be a judge. As spelt out in the Electoral Commission Act (51 of 1996), the functions of the IEC include:

- Managing elections of the national, provincial and municipal legislative bodies in accordance with national legislation.
- Ensuring that those elections are free and fair.
- Promoting conditions conducive to free and fair elections.
- Compiling the voters' roll.
- Registering political parties.
- Establishing and maintaining liaison with and coordination of political parties.
- Promoting voter education.
- Reviewing and making recommendations about electoral legislation.
- Declaring the results of national, provincial and municipal elections within seven days of an election.
- Adjudicating disputes that may arise from the organisation, administration and conduct of elections.

The IEC is also responsible for administering the public funds allocated to political parties represented in Parliament.

### **Composition of the IEC**

The selection of commissioners starts with a panel consisting of representatives of the Human Rights Commission, the Gender Commission and the Public Protector, chaired by the President of the Constitutional Court (now the Chief Justice of South Africa). This panel submits a list of at least eight candidates to a proportionally representative all-party committee. The committee submits the nominations to the National Assembly, which then makes its recommendations to the President by means of a majority resolution. The President appoints the commissioners and designates the chairperson and vice-chairperson of the commission. Commissioners serve for a term of seven years and can be re-appointed for a second term. Currently, the IEC comprises five commissioners and is chaired by Dr Brigalia Bam. Once established, the IEC must appoint a Chief Electoral Officer (CEO) who heads the administration of the commission and serves as the accounting officer of the commission. The current CEO of the IEC is Advocate Pansy Tlakula. In consultation with the commission, the CEO appoints other staff, including provincial and municipal electoral officers.

**Funding**

The Commission is funded by public funds allocated by Parliament and by funds from other sources. At the end of each financial year the Commission reports to Parliament on the receipt and expenditure of funds received from all sources. According to IEC sources, the IEC budget for 2004 was in the region of R640-million – approximately R31 per registered voter.

**Party Liaison Committees**

As prescribed by section 5 of the Electoral Act, the IEC has established Party Liaison Committees (PLCs) on which all registered parties are entitled to representation at national, provincial and municipal levels. PLCs are established to ensure smooth and proper communication and consultation between the IEC and political parties. They have contributed substantially to ensuring the involvement of political parties at each stage and level of the electoral process, thus contributing to the legitimacy of the process and the prevention of conflict. According to the IEC, although the commission is vested with the authority to adjudicate disputes, it has devolved the responsibility for conciliation and mediation upon conflict management panels comprised largely of civic and religious leaders. In this respect, EISA has provided technical assistance in the form of training of panellists and mediators.

# 3

## The Pre-Election Phase

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- Voter Registration
- Party registration and the nomination process
- Voter education and information
- The election campaign
- Media coverage of the electoral process

### 3.1 VOTER REGISTRATION

#### **Legal provisions**

The Electoral Act of 1998 (s 5) provides that the IEC must compile and maintain a common voters' roll. Although the minimum voting age is 18, all South African citizens are eligible to register as voters from the age of 16. To register, the applicant must hold a bar-coded identity document or a temporary certificate issued by the Department of Home Affairs in terms of the Identification Act (68 of 1997). In order to cast both national and provincial ballots voters must register in the voting district in which they normally reside.

#### **Assessing the registration process**

Voter registration is a continuous process that takes place during office hours at municipal electoral offices throughout the country. The voters' roll is closed temporarily during election periods between the announcement of the election date and the time when the process is deemed complete. Over and above the normal and continuous registration process, for the 2004 elections the IEC conducted targeted registration campaigns over two weekends, namely, 8-9 November 2003 and 24-25 January 2004, with a view to encouraging voters to exercise their democratic right to vote, thus enhancing

public participation. A commendable feature of these registration drives was the involvement of political parties as well as civil society organisations in mobilising voters to register.

According to the IEC there are 20 674 926 registered voters on the national voters' roll – an increase of 2 318 255 over the 1999 figures. The total represents 75.3% of the estimated 27 436 898 eligible voters as per the 2001 census. An analysis of the gender composition of the voters' roll shows that 11 334 028 of the registered voters are women (54.8% of the total number) and 9 340 898 (45.2%) are men (See Table 3 below).

Once the voters' roll closed before the election it was open for inspection by political parties and the general public. Though isolated errors have been reported, generally political parties expressed their satisfaction with the roll and complimented the IEC on its efforts in compiling it.

### **Registration of prisoners**

Prisoners serving sentences with an option of a fine were allowed to vote in the previous two elections. In the 2004 elections, the South Africa National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) and two prisoners serving sentences without the option of a fine brought an application to the Constitutional Court for all prisoners, irrespective of the nature of their crime or the sentence meted out, to be allowed to vote. After the Constitutional Court ruled in favour of the applicants, the IEC reopened the voters' roll to register the prisons population. The registration took place from 10 to 12 March 2004, during which period 27 000 prisoners were registered.

**Table 3**  
**Global Total of Registered Females and Males per Province**

Province	Female	Male	Total
Eastern Cape	1 656 102	1 193 384	2 849 486
Free State	713 344	607 851	1 321 195
Gauteng	2 350 019	2 300 575	4 650 594
KwaZulu-Natal	2 176 061	1 643 803	3 819 864

Limpopo	1 327 349	860 563	2 187 912
Mpumalanga	773 843	668 629	1 442 472
North West	919 635	829 894	1 749 529
Northern Cape	227 524	206 067	433 591
Western Cape	1 190 151	1 030 132	2 220 283
<b>National</b>	<b>11 334 028</b>	<b>9 340 898</b>	<b>20 674 926</b>

### 3.2 PARTY REGISTRATION AND THE NOMINATION PROCESS

#### Party registration

The Electoral Act provides that parties that intend to contest an election must be registered with the IEC and must submit a list of candidates for that election to the Chief Electoral Officer in the prescribed manner and within the period provided for in the election timetable. To register each party must submit to the IEC forms containing details of its name, symbols and abbreviated name. Attached to the forms should be the deed of foundation of the party signed by at least 50 registered voters, the party's constitution and proof of its publication in the *Government Gazette* and payment of R500.00. Registered parties that are not represented in the legislative body are required to renew their registration on an annual basis and, should they fail to do so, they are considered no longer to exist.

Registered parties gain the automatic right to be represented on the Party Liaison Committee established to ensure smooth and proper communication and consultation between the IEC and the political parties.

According to IEC official data, there are 88 registered parties, of which only 37 contested the 2004 national and provincial elections. Of the 37 only 21 contested both the national and provincial elections; the rest contested one or more provincial election.

#### Compilation of party lists

According to the election timetable, parties contesting both the national and provincial elections had to submit two lists by 27 February 2004: one for the

National Assembly, the other for the provincial legislature. Parties also had to pay a deposit of R30 000 per province to contest provincial elections and R140 000 for the national elections. When submitting party lists, the parties had to sign an undertaking binding the party and its candidates to the electoral code of conduct. The documentation also included a declaration that each of the candidates was qualified to stand for election and that each candidate accepted the nomination.

The electoral legislation establishes general criteria to be met by potential candidates: they must be a minimum of 18 years old and South African citizens of sound mind. Apart from those criteria, the legislation is silent on nominations procedures. As a result, although there are some similarities in the ways the parties nominate candidates, the procedures differ from party to party. For example, the IFP is reported to have started its nomination process in November 2003 at branch level where lists of nomination were drawn up. These lists were then scrutinised at constituency, district and provincial conferences before they were finalised by the IFP National Conference.

The DA nomination process started at branch level in October 2003. The branch lists were consolidated into a provincial list containing three times the number of candidates required. From this list an electoral college selected two-thirds of the candidates. The next step was to place the names in order according to various internal criteria. Certain positions on both the national and the provincial lists were left vacant for the leaders to nominate.

The NNP used a decentralised federal process. After the branch-level nominations, the provinces established provincial electoral colleges constituted from the provincial management committees. The provincial college then conducted probity tests. The provincial phase of this process ended with the submission of the nomination lists to the provincial head council. The final list was drawn up at the NNP's Federal Congress held on 20 and 21 February 2004.

The ANC used a consultative process combining the involvement of party branches with political interventions to ensure balanced and representative outcomes. Nominations were called for at branch level. After nominations a period was allowed for objections.

This process was followed by the establishment of list committees to verify whether candidates met the criteria drawn up by the National Executive Committee. Among these were: geographic, racial, gender and ethnic representivity; the absence of a criminal record; and expertise. It is worth noting that in its endeavour to ensure adequate gender representation, at least one name in every three on the ANC list was that of a woman. At provincial list conferences convened in October 2003 branch nominees were consolidated into provincial lists. With the exception of Gauteng, all the provinces conducted secret ballots and the lists respected the outcome of the ballots. The Gauteng conference is reported to have listed the candidates in alphabetical order after placing the President and the Vice-President in first and second positions. The final list was drawn up at a National Lists Conference held on 21 and 22 November 2003.

Table 4  
Parties Participating in the National and Provincial Elections

Party	Abb	Party	Abb
The Employment Movement of South Africa	EMSA	New National Party	NNP
The Organisation Party	TOP	Pan Africanist Congress of Azania	PAC
The Socialist Party of Azania	SOPA	Peace and Justice Congress	PJC
United Christian Democratic Party	UCDP	Independent African Movement	IAM
United Democratic Movement	UDM	Izwi Lethu Party	ILP
United Front	UF	Royal Loyal Progress	RLP
Vryheidsfront Plus	VF Plus	The Cape People's Congress	CPC
African Christian Democratic Party	ACDP	Sindawonye Progressive Party	SSP
African National Congress	ANC	Ximoko Party	XP
Azanian People's Organisation	AZAPO	Black People's Convention	BPC
Christian Democratic Party	CDP	Economic Freedom Movement	EFM
Democratic Alliance	DA	Pro-Death Penalty Party	
Independent Democrats	ID	Dikwankwetla Party of South Africa	DPSA
Inkatha Freedom Party	IFP	Alliance for Democracy and Prosperity	ADP
Keep it Straight and Simple	KISS	Peace and Development Party	PDP
Minority Front	MF	The Green Party of South Africa	GPGP
National Action	NA	The Universal Party	UP
New Labour Party	NLP	The Moderate Independent Party	MIP
Africa Muslim Party	AMP		

Source: Independent Electoral Commission (IEC)



### **3.3 VOTER EDUCATION AND INFORMATION**

The Electoral Commission Act stipulates that the responsibility for voter education and information rests with the IEC. In compliance with this provision the IEC may accredit voter educators, provided that their services comply with IEC standards of competence and effectiveness. Accredited voter educators are provided with resources in order to run voter education programmes. In addition, other stakeholders, such as NGOs, political parties and the media play an important role in voter education.

The IEC, in close cooperation with the media, placed voter information advertisements in daily newspapers and on radio and television. The media also contributed to voter education and information through news items, special articles, live debates, voter education drama series, and so on. Political parties also used every opportunity to pass voter education and information messages on to their supporters. Among these efforts was an emphasis on the importance of registering in order to vote.

A number of NGOs also participated in a variety of voter education and information programmes. As mentioned above, EISA implemented a voter information project consisting of the publication of the fortnightly *Election Update*. The newsletter was distributed widely among election stakeholders and the public in general. In order to enhance its outreach *Election Update* was summarised, simplified and distributed to community radios to use in their voter education and information programmes. EISA also conducted a voter education and information campaign targeted at the youth.

### **3.4 THE ELECTION CAMPAIGN**

#### **Rules governing canvassing**

The Electoral Act contains a binding code of conduct for political parties, their members and candidates which governs election campaigning. The code commits political parties and their agents to non-coercive campaigns and includes a prohibition on any party obstructing another's access to voters. It also compels parties to refrain from using language that might incite violence and intimidate voters or other political parties, including any inducement to voters other than political appeals. Non-compliance or breach of the code is punished by a range of penalties to be enforced either by the normal court system or by the electoral court.

## **The campaign**

Although election manifestos were released only after January 2004 and election campaigning started formally only after the President announced the election date on February 11, electioneering for the 2004 national and provincial elections had *de facto* begun towards the end of 2003. The common themes were poverty alleviation, HIV / AIDS, unemployment, crime, education, corruption, foreign policy, social welfare and the economy. Most party manifestos dealt with the same issues, the only difference being in emphasis and the order of priority.

The ANC launched its manifesto, entitled *A People's Contract to Create Work and fight poverty*, early in January 2004 in Durban with President Thabo Mbeki addressing the gathering. The manifesto started with a summary of the main achievements of the past ten years and moved on to outline improved strategies to deal, among other issues, with poverty, job creation, improved service delivery and the battle against crime. The ANC manifesto did not represent any shift in policy direction, instead focusing on outlining steps to speed up the implementation of existing policies.

The IFP launched its manifesto on 18 January 2004. Its political message revolved around six issues, namely, HIV / AIDS, corruption, job creation, poverty, crime and foreign policy. The party promised a caring, capable and clean government.

While the UDM manifesto touched on almost all the issues listed above, in its campaign the party emphasised what it believed to be the failures of the current government, particularly in relation to corruption. The UDM has consistently capitalised on what it perceives to have been its role in exposing the controversial elements of the multibillion rand arms deal.

The DA manifesto was characterised by a vigorous oppositional tone, summed up by its slogan 'South Africa Deserves Better'. In this regard, the DA focused its message on the HIV / AIDS issue and what the party saw as the failure of the ANC government's policy dealing with the pandemic. The DA also called for a strong opposition, reiterating its belief that democracy must be protected against an ANC thirsty for absolute power.

By contrast, the NNP spoke of what it termed 'participatory' as opposed to oppositional democracy, attempting to convince its electorate of the need to work with the ANC government. Some successes in the Western Cape ANC-NNP coalition government were cited as proof of what collaboration between a minority and the majority could achieve.

The newly formed Independent Democrats (ID) explored the middle ground in terms of bridging differences, hoping to capture voters unhappy with their current political affiliations.

Overall, the similarities between the issues contained in the manifestos underscore the degree of consensus among political parties about the challenges facing South Africa. This is, in itself, an indication of progress on the long journey to democratic consolidation, particularly in relation to the transition from the race-based politics of the past to issue/policy-based politics.

### **Violence and intimidation**

By 1999 politically motivated violence had declined to levels well below those of the period prior to the 1994 elections leading to an assessment of the 1999 election campaign as having taken place in a relatively peaceful environment with so-called no-go areas only prevalent in KwaZulu-Natal and on Gauteng's East Rand.

No 'no-go' areas were reported during the campaign for the 2004 elections, however, political tension had increased again and there were isolated incidents of limited violence, particularly in provinces where the contest was expected to be very close. The largest number of incidents took place in KwaZulu-Natal.

During the 1999 elections 359 complaints requiring intervention were recorded nationally – 161 of them in KwaZulu-Natal alone. Of these 80% related to violence and intimidation. The Eastern Cape was second with 60% of recorded complaints, 17 of which related to violence or intimidation. Although the final number of recorded cases of violence and intimidation for the 2004 elections is not yet available, the pattern of their prevalence across the country will probably be similar to that observed in 1999. By all

accounts the number of cases in 2004 was considerably lower than that in 1999.

As a result, all election stakeholders believed the political competition had taken place in a peaceful environment. Incidents of political violence were described as isolated and of a nature that did not affect in any substantial material way the freedom to campaign.

### **3.5 MEDIA COVERAGE OF THE ELECTORAL PROCESS**

South Africa has institutional and legislative mechanisms in place to regulate media coverage of elections. The Independent Broadcasting Authority Act of 1993 (s 58(1)) sets out the rules for coverage by the electronic media in order to ensure the freedom and fairness of the process and establishes the Independent Communications Authority of South Africa (ICASA) to enforce the legislation. In October 2003, ICASA published a set of broadcasting regulations pertaining to election coverage. The main thrust of the regulations was the need to ensure that broadcasters afforded political parties the opportunity to present conflicting views and treated them all equitably.

In terms of these regulations opposition parties laid complaints with ICASA about the decision of the SABC, the public broadcaster, to cover live for 90 minutes the launch of the ANC manifesto in Durban, while refusing to accord similar treatment to opposition parties. ICASA dismissed the complaint on the grounds that the event, which took place shortly before the announcement of the election date by ANC leader President Thabo Mbeki, fell outside the election period. ICASA also concluded that the SABC had not contravened the Act. The Mission noted that opinions on this issue remained divided. Over all, however, media coverage of the election process was characterised by a high standard of professionalism which contributed to creating the level playing field on which the elections took place.

# 4

# The Election



- Voting Process



- Election day



- Voting stations
- Voting staff, party agents and security personnel
- Observers

## 4.1 VOTING PROCESS

### Special Voting

The Electoral Act (33(1)(a)) provides for the IEC to make arrangements for physically disabled, infirm or pregnant voters; those absent from South Africa on government service; election staff; those absent from South Africa for purposes of holiday, business trips or attending a tertiary education institution, to cast special votes. As per the election timetable, the IEC received applications for special votes up to 8 April. Between 9 am and 5 pm on 12 and 13 April voting stations were open for those voters to cast their votes. IEC election officials also visited voters in their homes.

EISA observer teams were able to observe special voting at voting stations in KwaZulu-Natal, Mpumalanga, Eastern Cape, Gauteng, Limpopo and Western Cape. The teams reported no incidents during the special voting process. The Mission noted, however, that in many cases there were no party agents monitoring the voting, in particular during house visits. The reason appears to have been the logistical problems involved in political parties deploying agents to accompany mobile voting teams.

## 4.2 ELECTION DAY

### **EISA observer teams**

By the day of the election, 14 April 2004, the EISA Observer Mission had deployed 10 teams in six provinces as follows: 3 in KwaZulu-Natal, 2 in the Eastern Cape, 2 in Gauteng and one team each in Mpumalanga, the Western Cape and Limpopo. The political and demographic dynamics of each province determined the areas covered in each. On 14 April 2004 the members of the Mission visited 152 voting stations in both rural and urban areas.

### **Opening of the voting stations and provision of election material**

Overall, the EISA teams reported a peaceful, orderly and smooth voting process in all the polling stations visited. In some long queues were reported mainly during the early hours of the day but these had generally eased down by the afternoon. In all the polling stations visited the election staff followed the procedures for opening and sealing the ballot boxes in full view of party agents, international observers and local monitors.

Almost all the polling stations visited opened on time and there was no shortage of essential election material or election staff. There were negligible delays at a few polling stations because of a lack of voting material such as ink, stamp pads, ballot papers and so on. Among those that opened late were Gamalakhe Pensioners Hall, Kubhudlo and Magaye Primary in KwaZulu-Natal and Iketeng, Vukayibambe and Joe Slovo in Gauteng. The most serious delay was reported at Kubhudlo polling station in KwaZulu-Natal, which was reported to have opened only at 11 am because of a lack of ink.

### **Voters' Roll**

In a few instances voters' name did not appear in the voters' roll. In all those instances voters were allowed to cast their vote once proof of registration had been established by verification of the sticker in their ID books. Voters who had never registered were not allowed to vote. Other minor problems related to short periods of stoppage either because of a shortage of ballot papers (Gamalakhe Business Hall and Kamalakhe Civic Hall voting stations, both in Gauteng) or a shortage of form 24A, which allows voters to cast their vote at a polling station other than the one at which they were registered (Dalvace Clinic in Paarl, Western Cape).

### **4.3 VOTING STATIONS**

In consultation with political parties within the framework of Party Liaison Committees, the IEC increased the number of polling stations from 14 650 in 1999 to 16 966 in 2004. This increase in the number of polling stations, which were well located, adequately staffed and provided with sufficient materials, provided voters with easy access. Our observers noted that the movement of voters through the polling station was, on the whole, quick and smooth. In some instances, voters moved through the station in two minutes. The transformation of these stations into counting stations when polling closed enhanced the transparency of the process as there were no fears of ballot boxes being tampered with while in transit to central counting centres.

The Mission did, however, note some inconsistencies in the layout of polling stations. In some the voting booths were positioned facing the electoral staff and queuing voters, which could potentially compromise the secrecy of the ballot, while in others they faced the wall. The Mission also felt that the fact that national and provincial ballot papers were not clearly distinguished from one another led to confusion. Added to this confusion was the fact that some voting stations used one ballot box for both the national and provincial ballot papers while others used separate boxes.

### **4.4 VOTING STAFF, PARTY AGENTS AND SECURITY PERSONNEL**

According to the IEC, about 215 000 election officers manned polling stations across the country. The staff were recruited mainly from the unemployed (77%) and from teachers. The Mission noted with satisfaction the gender composition of the election staff. According to the IEC, 65% of all staff were women. Overall, the efficiency with which the election staff operated convinced the Mission that training was generally adequate.

The Mission noted that the security arrangements at all 152 polling and counting stations visited were appropriate. All polling stations visited had security officers present, none of whom could be regarded as intimidating voters or interfering with the voting process. The Mission therefore felt that the security arrangements contributed to the peaceful, orderly and free atmosphere in which the elections took place. The Mission noted that there were party agents at all polling stations visited though not all the contesting parties were represented at every polling station. Parties tended to field party

agents where they had strong support. The Mission learnt that, since it was impossible to cover all the polling stations, parties made inter-party arrangements to ensure wide coverage in monitoring the voting and counting process.

In general all political parties adhered to the code of conduct issued by the IEC. There was no explicit attempt to unduly influence the voters at the polling stations. Party agents did not carry party propaganda material to the polling stations, except in isolated cases where they placed posters and other propaganda materials in the vicinity of the polling stations. In some polling stations the Mission noted that some party agents were observed playing the role of election officials.

#### **4.5 OBSERVERS**

According to IEC data 14 international observer groups deployed more than 218 observers around the country. The largest groups were the SADC Parliamentary Forum (57), EISA (40) and the African Union (20). The IEC also accredited about 4 000 domestic observers, representing 101 civil society organisations. The largest domestic observer group was the KwaZulu-Natal Electoral and Democracy Forum, which fielded about half of all domestic observers. In the face of decreasing international observer figures, the Mission felt that it is very important that civil society organisations strive to enhance their monitoring and observation capacity to ensure that elections are adequately supervised and as an additional measure to lend credibility and legitimacy to the process.



# 5

## The Post-Election Phase



- Counting process



- Auditing the results



- Result centres

- The results

### 5.1 COUNTING PROCESS

The law provides for the ballots to be counted at the station immediately after polling ends, except when the polling station is a mobile one or when, in the interest of freeness and fairness, it is decided that counting should take place at a different venue. Once the polling station closes, the presiding officer becomes the counting officer and the voting officers become counting officers. In all stations visited counting started immediately after closure at 9 pm and continued into the early hours of 15 April. Party agents and observers were allowed to observe all the counting procedures.

The Mission noted that, although the legitimacy of the counting process was not compromised, efficiency was adversely affected by the fact that the staff were exhausted. There were no significant deviations from the prescribed conduct during the counting process except in regard to tallying before counting started. In some stations the Mission noted that presiding officers paid insufficient attention to the need to reconcile used and unused ballot papers.

In most cases counting only ended at about 3 am on 15 April. The Mission felt therefore that voting hours should be reduced and the numbers of voting stations increased in order to avoid the situation where staff become

exhausted and the potential for error increases. This is particularly important in rural areas, where, in addition to being exhausted, staff may also be working in poorly illuminated rooms.

## 5.2 AUDITING THE RESULTS

A unique feature of the counting system in the 2004 elections was that a private auditing consortium was hired to audit the counting process at each of the IEC's municipal election offices (MEO) before results were transmitted to the provincial results centre. Auditors were stationed in MEOs to audit result forms as they were received from the presiding officers. The results from each municipality were only made available at the results centre once all result forms from all polling stations had been audited. This system, which created an additional and independent mechanism for checking the accuracy of the counting process, was another feature of the IEC's efforts to ensure the accuracy of the results.

## 5.3 RESULTS CENTRES

The Mission noted that the establishment of results centres throughout the country improved the transparency of the tabulation of the results and contributed to their acceptance by all parties. In the main, the counting and tabulation process took place in an efficient, transparent and cooperative manner and the IEC must be commended for a job well done.

## 5.4 THE RESULTS

A little more than 48 hours after the polls closed the IEC announced the results.

**Table 5**  
**2004 National Election Results**

<b>Registered Population</b>	20 674 926			
<b>Party</b>	<b>Abbrev.</b>	<b>Results</b>	<b>%</b>	<b>Seats</b>
African Christian	ACDP	250 272	1.6 %	<b>6</b>
Democratic Party				
African National Congress	ANC	10 878 251	69.68 %	<b>279</b>

Azanian People's Organisation	AZAPO	41 776	0.27 %	2
Christian Democratic Party	CDP	17 619	0.11 %	0
Democratic Alliance	DA	1 931 201	12.37 %	50
The Employment Movement of South Africa	Emsa	10 446	0.07 %	0
Independent Democrats	ID	269 765	1.73 %	7
Inkatha Freedom Party	IFP	1 088 664	6.97 %	28
Keep It Straight And Simple	KISS	6 514	0.04 %	0
Minority Front	MF	55 267	0.35 %	2
National Action	NA	15 804	0.1 %	0
New Labour Party	NLP	13 318	0.09 %	0
Nuwe Nasionale Party / New National Party	Nnp	257 824	1.65 %	7
Peace And Justice Congress	P.J.C	15 187	0.1 %	0
Pan Africanist Congress of Azania	PAC	113 512	0.73 %	3
The Socialist Party of Azania	SOPA	14 853	0.1 %	0
The Organisation Party	T.O.P.	7 531	0.05 %	0
United Front	U.F.	11 889	0.08 %	0
United Christian Democratic Party	UCDP	117 792	0.75 %	3
United Democratic Movement	UDM	355 717	2.28 %	9
Vryheidsfront Plus	VF PLUS	139 465	0.89 %	4
<b>Total Valid Votes</b>		<b>15 612 667</b>	<b>100%</b>	<b>400</b>
<b>Total Number of Spoilt Votes</b>		<b>250 887</b>		
<b>Percentage Poll</b>		<b>76.73%</b>		
<b>Total Votes Cast</b>		<b>15 863 554</b>		
<b>Total Number of Special Votes</b>		<b>651 438</b>		

Source: Independent Electoral Commission

**Table 6**  
**Summary of the Provincial results**

Party	Total		Eastern Cape		FreeState		Gauteng		KwaZulu-Natal	
	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
ACDP	250 272	1.6	17 682	0.78	13 488	1.32	56 520	1.61	49 823	1.8
	228 975	1.43	24 344	1.11	10 031	0.92	43 359	1.17	53 799	1.82
ANC	10 878 251	69.68	1 806 221	79.31	838 583	82.05	2 408 821	68.74	1 312 767	47.47
	10 601 330	66.35	1 617 329	73.91	887 091	81.03	2 527 676	68.16	1 176 926	39.77
AZAPO	41 776	0.27	3 784	0.17	3 450	0.34	7 930	0.23	6 562	0.24
	27 257	0.17	2 743	0.13	1 919	0.18	5 293	0.14	4 525	0.15
CDP	17 619	0.11	1 228	0.05	665	0.07	5 633	0.16	4 562	0.16
DA*	1931201	12.37	165 135	7.25	90 609	8.87	712 395	20.33	276 429	10.00
	1527337*	9.56	139 520	6.38	64 262	5.87	655 883	17.69	288 738	9.76
ID	269 765	1.73	19 203	0.84	6 259	0.61	60 501	1.73	20 656	0.75
IFP	1 088 664	6.97	4 712	0.21	4 352	0.43	92 556	2.64	964 101	34.87
	1 371 477	8.58	6 511	0.30	4 938	0.45	131 296	3.54	1 196 955	40.45
KISS	6 514	0.04	557	0.02	294	0.03	1 154	0.03	2 197	0.08
MF	55 267	0.35	420	0.02	182	0.02	1 692	0.05	51 339	1.86
	48 277	0.30	750	0.03	351	0.03	1 271	0.03	43 026	1.45
NA	15 804	0.1	1 361	0.06	1 071	0.1	4 153	0.12	2 391	0.09
NLP	13 318	0.09	523	0.02	240	0.02	475	0.01	1 013	0.04
NNP	257 824	1.65	14 421	0.63	8 380	0.82	25 842	0.74	16 145	0.58
	1 098 215	6.87	72 639	3.32	54 769	5.00	142 749	3.85	117 107	3.96
PAC	113 512	0.73	22 314	0.98	13 277	1.3	28 524	0.81	5 712	0.21
	113 125	0.71	21 978	1.00	11 300	1.03	25 412	0.69	8 414	0.28
P.J.C.	15 187	0.1	1 542	0.07	568	0.06	3 100	0.09	2 792	0.1
EMSA	10 446	0.07	1 647	0.07	732	0.07	1 029	0.03	2 400	0.09
T.O.P.	7 531	0.05	910	0.04	458	0.04	1 186	0.03	2 112	0.08
SOPA	14 853	0.1	2 584	0.11	1 129	0.11	2 534	0.07	4 110	0.15
	9 062	0.06	741	0.03	285	0.03	2 179	0.06	2 658	0.09
UCDP	117 792	0.75	2 603	0.11	6 730	0.66	8 964	0.26	4 235	0.15
	125 280	0.78	2 528	0.12	8 019	0.73	7 619	0.21	2 671	0.09
UDM	355 717	2.28	202 964	8.91	9 785	0.96	35 499	1.01	23 099	0.84
	546 790	3.42	281 748	12.88	18 073	1.65	79 627	2.15	38 080	1.29
U.F.	11 889	0.08	1 092	0.05	685	0.07	3 855	0.11	3 334	0.12
VF Plus	139 465	0.89	6 488	0.28	21 107	2.07	42 000	1.2	9 424	0.34
	127 217	0.80	6 822	0.31	19 210	1.75	40 782	1.10	6 044	0.20
<b>Valid Votes</b>	15 612 667	100.00	2 277 391	100.00	1 022 044	100.00	3 504 363	100.00	2 765 203	100.00
	15 977 142	100.00	2 188 184	100.00	1 094 776	100.00	3 708 318	100.00	2 958 963	100.00
<b>Spoilt Votes</b>	250 887	1.60	32 835	1.44	20 076	1.96	48 735	1.39	42 682	1.54
	351 320	1.55	34 210	1.54	20 550	1.84	40 509	1.08	52 769	1.75
<b>% Poll</b>		76.73		81.08		78.88		76.40		73.51
		89.30		90.54		90.99		90.24		87.45
<b>Total ballots</b>	15 863 554		2 310 226		1 042 120		3 553 098		2 807 885	
	16 228 462		2 222 394		1 115 326		2 222 394		3 011 732	
<b>Registered</b>	20 675 106		2 849 486		1 321 195		4 650 594		3 819 864	
<b>voters</b>	18 172 751		2 454 543		1 225 730		2 454 543		3 443 978	

\*DA figures for 1999 are those of the DP before it entered into DA's alliance

Party	Mpumalanga		Northern Cape		Limpopo		North West		Western Cape	
	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
ACDP	11 321	1.00	5 982	1.85	20 340	1.23	14 503	1.1	60 613	3.78
	12 415	1.10	5 295	1.61	18 151	1.09	11 774	0.09	49 807	3.11
ANC	979 155	86.34	222 205	68.75	1 487 168	89.72	1 083 254	81.83	740 077	46.11
	962 260	85.26	211 206	64.40	1 483 199	89.30	1 052 895	80.53	682 748	42.62
AZAPO	2 149	0.19	1 582	0.49	8 603	0.52	3 624	0.27	4 092	0.25
	1 059	0.09	1 237	0.38	8 121	0.49	1 426	0.11	934	0.06
CDP	662	0.06	202	0.06	1 020	0.06	927	0.07	2 720	0.17
DA*	81 313	7.17	37 533	11.61	63 236	3.81	72 444	5.47	432 107	26.92
	56 114	4.97	18 952	5.78	28 116	1.69	48 665	3.72	227 087	14.18
ID	3 927	0.35	21 379	6.61	3 204	0.19	6 645	0.5	127 991	7.97
IFP	11 730	1.03	709	0.22	2 923	0.18	3 827	0.29	3 754	0.23
	15 868	1.41	1 448	0.44	5 389	0.32	5 929	0.45	3 143	0.20
KISS	263	0.02	195	0.06	515	0.03	349	0.03	990	0.06
MF	298	0.03	87	0.03	405	0.02	271	0.02	573	0.04
	401	0.04	182	0.06	653	0.04	362	0.03	1 281	0.08
NA	740	0.07	333	0.1	1 967	0.12	1 194	0.09	2 594	0.16
NLP	263	0.02	196	0.06	445	0.03	297	0.02	9 866	0.61
NNP	4 878	0.43	23 130	7.16	7 865	0.47	5 687	0.43	151 476	9.44
	26 779	2.37	73 766	22.49	28 559	1.72	31 072	2.38	550 775	34.38
PAC	8 675	0.76	1 384	0.43	15 776	0.95	10 428	0.79	7 422	0.46
	6929	0.61	2 083	0.64	20 070	1.21	8 878	0.68	8 061	0.50
P.J.C.	606	0.05	291	0.09	1 229	0.07	719	0.05	4 340	0.27
EMSA	719	0.06	282	0.09	1 311	0.08	1 158	0.09	1 168	0.07
T.O.P.	411	0.04	174	0.05	862	0.05	595	0.04	823	0.05
SOPA	1 056	0.09	214	0.07	1 313	0.08	1 307	0.1	606	0.04
	516	0.05	167	0.05	1 285	0.08	750	0.06	389	0.02
UCDP	1 795	0.16	994	0.31	2 375	0.14	86 476	6.53	3 620	0.23
	2 393	0.21	830	0.25	1 684	0.10	97 755	7.48	1 781	0.11
UDM	11 480	1.01	1 346	0.42	27 512	1.66	14 274	1.08	29 758	1.85
	15 807	1.40	3 092	0.94	42 643	2.57	18 574	1.42	49 146	3.07
U.F.	626	0.06	156	0.05	872	0.05	753	0.06	516	0.03
VF Plus	12 025	1.06	4827	1.49	8 655	0.52	15 029	1.14	19 910	1.24
	14 687	1.30	5 229	1.59	8 835	0.53	15 106	1.16	10 502	0.66
<b>Valid Votes</b>	1 134 092	100.00	323 201	100.00	1 657 596	100.00	1 323 761	100.00	1 605 016	100.00
	1 128 648	100.00	327 950	100.00	1 660 849	100.00	1 307 532	100.00	1 601 922	100.00
<b>Spoilt Votes</b>	23 871	2.10	6 506	2.01	29 161	1.75	30 202	2.28	16 819	1.04
	24 712	2.14	7 227	2.16	30 760	1.82	26 326	1.97	14 257	0.88
<b>% Poll</b>		80.28		76.04		77.09		77.39		73.05
		90.26		88.87		91.55		87.31		86.70
<b>Total ballots</b>	1 157 963		329 707		1 686 757		1 353 963		1 621 835	
	1 153 360		335 177		1 691 609		1 333 858		1 616 179	
<b>Registered</b>	1 442 472		433 591		2 187 912		1 749 529		2 220 283	
<b>voters</b>	1 277 783		377 173		1 847 766		1 527 672		1 864 019	

Source: Independent Electoral Commission

For the purpose of comparison 1999 figures have been included (italics)

# 6

# Conclusions and Recommendations



## **CONCLUSIONS AND RECOMMENDATIONS**

On the bases of the PEMMO guidelines the EISA Election Observer Mission concluded that the elections in South Africa were conducted in a peaceful, orderly, efficient and transparent manner.

The Mission was therefore satisfied that the outcome of the election is a true reflection of the will of the people of South Africa. It congratulates the IEC, the political parties, civil society and, last but not least, the people of South Africa on creating an appropriate environment for the conduct of free, fair and legitimate elections. We hope that this environment will be conducive to further development and to meeting the challenges that lie ahead for South Africa.

The Mission noted with interest the remarkable strides made in the democratisation process as evidenced by the high degree of maturity of political parties, the IEC, civil society organisations and the people of South Africa who come out in large numbers to choose the government to guide them for the next five years. The Mission noted with great satisfaction the substantial participation of women in the electoral process as election officers, voters and candidates in line with the recommendations contained in the SADC Declaration on Gender and Development and in the PEMMO.

Listed below and followed by specific recommendations are a few areas in which the Mission felt some improvements could be made.

- **The positioning of ballot booths within polling stations**  
The Mission noted some inconsistencies in the positioning of booths. In some polling stations the booths were positioned facing the election officials, potentially compromising the secrecy of the ballot. In other stations they faced the wall. The Mission recommends that the positioning of the booths be prescribed in order consistently to guarantee the secrecy of the poll.
- **Ballot papers**  
The Mission felt that there were insufficient distinguishing features between the ballot papers for the national and those for the provincial elections. This seemed to lead to confusion during the voting process, with national ballots found in the provincial ballot box, and vice versa. The Mission recommends that the ballot papers be made more easily distinguishable from one another.
- **Ballot boxes**  
Some voting stations used one ballot box for both national and provincial ballot papers while others used separate ballot boxes. The Mission noted that in those polling stations where two ballot boxes were used counting was able to begin immediately after polling closed, while in the others counting had to be preceded by sorting the ballot papers, a lengthy process that contributed to further delays in the counting process. The Mission is of the view that the prescriptive use of separate ballot boxes would save time.
- **Date of elections**  
Some stakeholders raised concerns about the date of the elections, arguing that the coincidence with the Easter holiday season had affected voter participation. In the interest of enhanced participation the Mission recommends that the date be chosen in such a way that it does not coincide with holiday seasons that could jeopardise voter turnout. Ideally, the date of the elections should be provided for in the law.
- **Domestic Monitors**  
In many of the polling stations visited there were neither domestic nor

international observers. While the absence of international observers can be interpreted as a positive sign that reflects the confidence of the international community in the administration of South Africa's elections, civil society organisations should strive to enhance their capacity to observe the electoral processes in order to sustain their credibility. In this regard, the Mission calls upon civil society organisations in South Africa to make an effort to step up their election-monitoring role.



## APPENDICES

### Appendix 1 Composition of the EISA Observer Mission

Surname	Name	Title	Country	Position	Organisation
Garcia	Maria	Mr	ANGOLA	Deputy Minister	Ministry of Territorial Administration
Soma	Paulo	Mr	ANGOLA	Director of Elections	Ministry of Territorial Administration
Anderson	Joyce G.	Ms	BOTSWANA	Chairperson	Emang Basadi Women's Group
Kadima	Denis K.	Mr	DR CONGO	Executive Director	EISA
Malu-Malu	Appollinaire M.	Rev	DR CONGO	President	Independent Electoral Commission
Tshiyoyo	Dieudonne	Mr	DR CONGO	Programme Officer	EISA
Banza	Sabina	Mr	DR CONGO	Deputy Director	Ligue les de Electeurs
Tohbi	Vincent	Mr	DR CONGO	Country Director	EISA
Makonero	W.	Mr	DR CONGO	Senator	Senate
Wetshi	Ngoyi Tshite	Mrs	DR CONGO	Senator	Senate
Lukonga	M. J.	Mr	DR CONGO	Senator	Senate
Masombuka	Ngwasi D.	Mr	DR CONGO	Senator	Senate
Thoahlane	Leshele Abel	Mr	LESOTHO	Chairman	Independent Electoral Commission
Chiumbu	Sarah	Ms	MALAWI	Director	Zimbabwe-MISA
Mkandawire	Moses	Mr	MALAWI	Executive Director	Church Society
Augusto	Mario E.	Mr	MOZAMBIQUE	Director of organisations & operations	STAE
Benzane	Valentim D.	Mr	MOZAMBIQUE	Provincial Director	STAE
Carrasco	Antonio G.	Mr	MOZAMBIQUE	Director General	Technical Secretariat for Election Administration (STAE)
Chachiua	Martinho	Mr	MOZAMBIQUE	Programme Officer	EISA
Garrine	Helena M. J.	Ms	MOZAMBIQUE	Head of Suffrage Dept.	STAE

Grachane	Jose dos Santos A.	Mr	MOZAMBIQUE	Commissioner	National Electoral Comm
Zuro	Filimone A	Mr	MOZAMBIQUE	Provincial Director	STAE
Guimaraes	Lucas Junior M.	Mr	MOZAMBIQUE	Commissioner	National Electoral Commission
Langa	Claudio A.	Mr	MOZAMBIQUE	Head of Civic Educ.	STAE
Macauze	Rosa Maria	Ms	MOZAMBIQUE	Provincial Director	STAE
Banjo	Adewole	Dr	NIGERIA	Researcher	AISA
Brook	Heidi	Ms	CANADA	Researcher	EISA
Matlosa	Khabele	Dr	LESOTHO	Senior Advisor	EISA
Mohammed	Sbongile	Mrs	SWAZILAND	Director	National Elections Office
Karume	Shumbana	Ms	TANZANIA	Researcher	EISA
Rubvuta	Elijah	Mr.	ZAMBIA	Executive Director	FODEP Foundation for Democracy Programmes
Bakare	Sebastian	Rev. Dr	ZIMBABWE	President	Zimbabwe Council of Churches
Matchaba-Hove	Reginald Blessing	Dr	ZIMBABWE	Chairman	Zimbabwe Election Support Network (ZESN)
Musanhu	Belinda R.	Ms	ZIMBABWE	Elections Consultant	
Matombo	Lovemore	Mr	ZIMBABWE	President Zimbabwe Congress of Trade Unions	National Council Review
Chigwida	M. T.	Rev	ZIMBABWE	Director: Centre for Peace Initiatives in Africa	National Council Review
Nelson	Doreen	Ms	ZIMBABWE	Chairperson	National Council Review
Khumalo	Thabitha	Ms	ZIMBABWE	Gender Chairperson	National Council Review
Zembe	Wurayayi	Mr	ZIMBABWE	Chairperson: Political Parties Liaison Committee	National Council Review
Sithole	Daniel	Mr	ZIMBABWE	Chairperson	National Council Review

**APPENDIX 2**

## EISA Mission Arrival Press Release

## PRESS RELEASE

Launch of the EISA Regional Observer Mission to the 2004 South African General Election and the Principles for Election Management, Monitoring and Observation (PEMMO).

The Electoral Institute of Southern Africa (EISA) hereby launches its Regional Observer Mission for the upcoming general election due to be held on 14 April 2004. Leading the Mission is Chairman of the Lesotho IEC, Mr A L Thoahlane, who is also Chairman of the EISA Board. The Mission comprises 40 members from various countries within the SADC region, including the Democratic Republic of Congo, Mozambique, Zimbabwe and Angola.

‘The Mission is excited that it will assess these elections based on the recently adopted ECF/ EISA Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO),’ Mr Thoahlane said. ‘These regional principles were adopted in November last year and were drafted in consultation with all Electoral Commissions within the SADC region as well as Civil Society organisations who work in the elections field.’

The launching of PEMMO as a tool to assess the election is a crucial step in ensuring an objective basis for concluding on the freeness, fairness or otherwise of an election. South Africa is the first country where these principles will be utilised since their adoption in November 2003. Later elections due to be held in Malawi, Botswana, Mozambique and Namibia this year will also be assessed in accordance with PEMMO as well as all future elections in the region.

Six Provinces, namely Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga and the Western Cape, will be covered by the Mission.

Issued by the Electoral Institute of Southern Africa Regional Observer Mission to the 2004 National and Provincial Elections.

*Mission Leader  
Mr A L Thoahlane*

**APPENDIX 3****ELECTORAL INSTITUTE OF SOUTHERN AFRICA**

Johannesburg April 16, 2004

INTERIM STATEMENT BY THE  
EISA ELECTION OBSERVATION MISSION

SOUTH AFRICAN NATIONAL AND PROVINCIAL ELECTIONS  
12-14 APRIL 2004.

**I. INTRODUCTION**

The Electoral Institute of Southern Africa (EISA) deployed a Regional Observer Mission to observe the South African elections which were held on 12-14 April 2004. This is the Mission's assessment of the elections. The assessment covers the entire election period from the pre-polling up to voting and including counting as well as the results transmission process.

**I.1 Mission Composition**

The Mission was composed of 40 representatives of electoral commissions, civil society organisations and government ministries from ten SADC countries namely Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe.

Mr. Abel Leshele Thoahlane, the Chairperson of the Lesotho Independent Electoral Commission and also Chairperson of the EISA Board of Directors, led the Mission. The Deputy Mission Leader was Mr Denis Kadima, Executive Director of EISA.

Members of the Mission arrived in South Africa on the 7<sup>th</sup> April 2004 and observed events until the 16<sup>th</sup> April 2004. They will depart from South Africa on 17<sup>th</sup> April 2004.

## **1.2 The Electoral Institute of Southern Africa – EISA**

EISA is a regional organisation which seeks to strengthen and promote electoral processes, good governance and democratic values through research, capacity building and advocacy. The head office is located in Johannesburg.

### **1.3 Deployment**

The Mission was deployed to six provinces, namely Eastern Cape (Umtata and East London), Gauteng (East Rand, Alexandra and Soweto) KwaZulu Natal (Ulundi, Estcourt and Port Shepstone), Limpopo, Mpumalanga and Western Cape.

In total, over the three days of voting, members of the Mission visited 152 voting stations and observed voting in rural and urban areas.

### **1.4 Method of Work**

In assessing the election, the EISA Observer Mission conducted various activities covering the pre-election, election and post election phases. These activities included

#### *Election Update*

Due to financial constraints, it was not possible to undertake long-term observation for the Mission. EISA developed an innovative method of information gathering and sharing that would ensure that members of the Mission were kept abreast of all the events which took place in the period leading up to the voting. *Election Update*, a newsletter containing information gathered by local experts, has been published fortnightly.

#### *Stakeholder Meetings and Political Party Rallies*

In the period leading up to and including the polling period, members of the Mission held meetings with various electoral stakeholders including representatives of the Independent Electoral Commission (IEC), civil society organisations, the media and political parties. Meetings were held at the national and provincial levels. Meetings were also held at municipal level with representatives of the IEC. Informally the team also met other domestic and international observers.

The stakeholder meetings provided the Mission members with different viewpoints on the electoral process. Our teams also attended political party rallies.

### *Observation of Voting and Counting*

The members of the Mission were deployed in the field from 9 April and observed voting on 12-14 April and the counting of ballots on the 14<sup>th</sup> April 2004.

## **1.5 Principles for Election Management, Monitoring and Observation in the SADC Region**

This assessment of the South African 2004 Election is based on the Principles for Election Management, Monitoring and Observation in the SADC Region – PEMMO. PEMMO is a set of guidelines against which an election can be measured to assess whether it is credible and legitimate and if the outcome reflects the will of those who cast their ballots. It was developed by the Election Commissions Forum of SADC Countries (ECF), which comprises all the electoral management bodies (EMBs) in the SADC region, in partnership with the Electoral Institute of Southern Africa (EISA) It is based on region-wide consultations with electoral stakeholders in particular EMBs and civil society organisations (CSOs) for whom election observation is a core activity.

These principles cover the whole election period including before, during and after the poll. They provide a standard against which an election can be measured. Furthermore they are useful in the post-election period for review and reflection with a view to reforming aspects of the election where shortcomings have been identified.

For the observer PEMMO is also a source of guidelines for how to conduct oneself as an observer during the electoral process.

## **2. FINDINGS OF THE MISSION**

The EISA Election Observer Mission, using the PEMMO as a guideline, came to the following findings.

## **1. Constitutional and Legal Framework**

That the constitutional and legal framework in South Africa guarantees fundamental freedoms and human rights. In addition, the Electoral Law provides for mechanisms to address conflict in the electoral process.

This framework contributed to creating an environment conducive to successful elections.

## **2. Electoral System**

One of the dominant characteristics of the political system in South Africa has been the adoption of the proportional representation electoral system. The inclusive nature of this system, which does not provide for a formal minimum threshold, guarantees the participation and representation of minority and disadvantaged groups including women.

## **3. The Independent Electoral Commission (IEC)**

The IEC has been established as a statutory body and enjoys a high degree of independence vis-à-vis all electoral stakeholders. The process of appointment of the IEC is transparent and inclusive and thus promotes the impartiality of the commission. The clarity of the IEC's mandate and the provision of adequate resources have enabled the commission to discharge its duties efficiently and effectively.

It is worth highlighting that the existence of party liaison committees at national, provincial and municipal levels has contributed substantially to the involvement of parties at each stage of the electoral process, thus contributing to the legitimacy of the process and the prevention of conflict.

## **4. Voting Stations and Election Materials**

By increasing the number of polling stations, which were well located, adequately staffed and provided with sufficient materials, the IEC gave voters easy access to the poll. Our observers noted that the movement of voters through the polling station was on the whole quick and smooth. In some instances, voters moved through the station in two minutes. The transformation of these stations into counting stations after the end of polling, increases the transparency of the process as there are no fears of tampering with the ballots whilst they are in transit to central counting centres.

## **5. Results Centres**

The establishment of Results Centres throughout the country improved the transparency of the tabulation of the results and contributed to the acceptance of the results by all parties.

## **6. Prevention of Conflict**

The provision by the IEC of conflict management training for electoral staff and conflict mediators coupled with the presence of the security forces, contributed to the conduct of peaceful election. We commend the deployment of extra police forces in KwaZulu-Natal, where conflict had been expected. We also note and commend the tolerance shown by voters and party supporters.

## **7. Participation of Women in the Electoral Process**

Our teams noted that women were involved in the electoral process at all levels. This points to an electoral system that does not discriminate against women in a significant way.

## **8. Challenges**

This electoral process faced a couple of challenges, which the IEC should take note of for future elections. These challenges related largely to the inconsistent application of voting and counting procedures.

We observed the inconsistent application of voting and counting procedures. These include the following:

- The position of ballot booths had the potential to compromise the secrecy of the ballot in some places.
- The use of ballot papers which were not very distinct from each other led to confusion.
- Some voting stations used one ballot box for both the national and provincial ballot papers whilst others used a ballot box for each of the two different ballot papers.
- The lighting in some voting stations was inadequate.
- In a number of counting stations, there was no reconciliation of the ballot papers before counting.
- The role of party agents was not clear as in some cases, they were observed playing the roles of the election officials



- Stakeholders also noted that the date of the elections over the Easter holiday had the potential to affect voter participation.
- There was insufficient number of domestic observers.

These challenges did not however have an overbearing negative impact on the outcome of the elections.

### **3. CONCLUSION**

Basing itself on the guidelines enshrined in the ECF/EISA Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), the EISA Election Observer Mission concludes that the elections in South Africa were conducted in a peaceful, orderly, efficient and transparent manner.

The Mission is therefore satisfied that the outcome of the election is a true reflection of the will of the people of South Africa. We therefore congratulate the IEC, the political parties, civil society and last but not least the people of South Africa. We hope that this environment will be conducive to further development and to meeting the challenges ahead

*A.L Thoahlane*  
*Mission Leader*

*Denis Kadima*  
*Deputy Mission Leader*

## APPENDIX 4

### Schedule of Briefing Meetings

#### Programme

<b>Session 1</b>	<b>Welcome and Introductions</b>
08h00-08h15	<p><b>Opening remarks</b>  <i>Mr A Thoahlane: Mission Leader and Chairman: EISA Board of Directors</i></p>
08h15-08h45	Introductions
<b>Session 2</b>	<b>The Observation Process</b>
08h45-09h15	<p>Programme outline and framework          This session will give a general overview of the observation process and take participants through the briefing book  <i>Mr Denis Kadima: Deputy Mission leader and Executive Director, EISA</i></p>
09h15- 09h35	<p>Assessing elections in accordance with PEMMO: The Principles for Election Management, Monitoring and Observation will provide a tool against which the election will be assessed. What are the main features of PEMMO? How have we adapted our checklists to be in line with PEMMO?  <i>Ms Sa Ngidi: Manager, Elections &amp; Political Processes, EISA</i></p>
<b>Session 3</b>	<b>The Political Context</b>
09h35-10h05	<p>The Political Party Manifestos. How are political parties canvassing for votes? What do they have to offer in terms of their manifestos?  <i>Claude Kabemba: Programme Manager, Research, EISA</i></p>
10h05-10h20	Coffee/Tea Break

- 10h20-10h45      Deployment Plan and Reporting  
*Sa Ngidi: Manager Elections and Electoral Processes, EISA*
- 11h00-12h00      PRESS BRIEFING
- 12H00-12h30      Discussions
- 12h30-13h00      How ready is the Independent Electoral Commission  
*Ms Louise Olivier: Independent Electoral Commission, South Africa*
- 13h00-14h10      Lunch
- Session 4          The Perspective of Political Parties
- 14h10-14h30      African National Congress (ANC)  
Mr. Mandla Mabuza
- 1430 – 15H00      Inkatha Freedom Party (IFP),  
Dr Ruth Rabinowitz
- 15H00 – 15H30      Democratic Alliance (DA)  
Mr Ryan Coetzee
- Session 5          Deployment Plan**
- 16h30-17h00      Deployment plan continued

## **APPENDIX 5**

### **IEC Regulations and Code of Conduct for Observers**

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#### **Electoral Commission**

#### **Regulations Concerning the Accreditation of Observers and Code of Conduct for Accredited Observers**

1. The Electoral Commission has in terms of section 100 of the Electoral Act, 1998 (Act No. 73 of 1998), made the regulations set out in Schedule A
2. The Electoral Commission has in terms of section 99 (3) read with section 84 (3)(b)(iii) of the Electoral Act, 1998 (Act No. 73 of 1998), compiled and issued the code in Schedule B.

### **SCHEDULE A**

#### **Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates –
  - i) ‘Accredited Person’ means any juristic person accredited by the Commission under these Regulations;
  - ii) ‘the Act’ means the Electoral Act, 1998 (Act No. 73 of 1998).

#### **Applications for accreditation of observers**

2. A juristic person applying for accreditation as an observer of an election must complete an application form similar to Appendix 1 and deliver the completed form together with any documentation in support of the application at the offices of the Commission in Pretoria.

### **Certificate of accreditation**

3. The Chief Electoral Officer must issue a certificate similar to Appendix 2 to a juristic person that has been accredited to observe an election.

### **Breach of conditions**

4. 1) The Commission may from time to time, require an accredited person in writing to submit information concerning the performance of a function contemplated in section 85 of the Act by that accredited person.  
  
2) The Commission may convene a hearing to investigate whether an accredited person has failed to comply with conditions contemplated in sections 84 (3)(b) of the Act, and may call upon any persons to appear before the Commission to give evidence.  
  
3) If the Commission finds that an accredited person to a material extent failed to comply with conditions referred to in sub-regulation (2), the Commission may cancel the accreditation.

### **Identification of persons appointed by accredited persons**

5. A person appointed by an accredited person may have no access to a voting or counting station unless that person wears the identification apparel on which –
  - a) the words ‘Elections Observer’ are clearly indicated on the back and front of the identification apparel in black letters, at a height of at least 10cm, on a white background; and
  - b) the identification mark or symbol of the accredited person is clearly indicated on the back and front of the identification apparel at a height of at least 10cm.

### **Fee for certified copy of or extract from the register or copy of a certificate of accreditation**

6. The fee to be paid in terms of section 84 (7) of the Act for a certified copy of or extract from the register of persons accredited as observers, or a copy of a certificate of accreditation is R1-00 (one Rand) per page.

## Short title

7. These regulations are called Regulations on the Accreditation of Observers, 1999.

## SCHEDULE B

### Code of Conduct for Accredited Observers

1. Every accredited observer and person appointed by that observer must –
  - 1.1. Observe the elections impartially and independently of any registered party or candidate contesting the elections.
  - 1.2. Remain non-partisan and neutral
  - 1.3. Be competent and professional in observing the election.
  - 1.4. Provide the Commission with a comprehensive review of the elections taking into account all relevant circumstances including:
    - a) the degree of impartiality shown by the Commission
    - b) the degree of freedom of political parties to organise, move, assemble and express their views publicly;
    - c) the opportunity for political parties to have their agents to observe all aspects of the electoral process
    - d) the fairness of access for political parties to the national and other resources of the state.
    - e) the proper conduct of polling and counting of votes; and
    - f) any other issue that concerns the essential freedom and fairness of the election.
  - 1.5. Comply with all instructions given and every obligation imposed by –
    - a) the Commission
    - b) any electoral officer; or
    - c) any employee or officer of the Commission; or
    - d) a member of the security services acting on the instructions of an officer.

**2. The accredited observer and any person appointed by that observer should –**

- 2.1. Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate or registered party.
- 2.2. Act in strictly neutral and unbiased manner.
- 2.3. Disclose to the Commission any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election.
- 2.4. Not accept gifts or favour from a political party, organisation or person involved in the election process.
- 2.5. Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate or political party.
- 2.6. Not express a view or opinion on any matter which is the subject of electoral campaigning.
- 2.7. Not influence or attempt to influence the choice of a voter regarding any registered party or candidate in an election.
- 2.8. Not wear, carry or display any registered party's symbols or colours.