

DISCUSSION PAPER

Electoral Reform Consultation Panel



November 2024

Executive summary

The Electoral Reform Consultation Panel (ERCP) was established in May 2024 in terms of the Electoral Amendment Act, 2023 to conduct a comprehensive review of South Africa's electoral system and provide recommendations for potential reforms. This discussion paper serves as an introduction to the ERCP's work, outlining the historical context to electoral reform, relevant constitutional provisions, guiding principles for the evaluation of electoral systems, and key design elements of electoral systems that will need to be considered. The discussion paper ends with a short overview of the common themes emerging from the first phase of public engagement and interested stakeholders are invited to engage with the ERCP in the next phase of consultations.

Background to the ERCP

The ERCP's inception stems from a growing public desire for a fundamental review of South Africa's electoral system. Several commissions, including the Independent Panel Assessment of Parliament, the High-Level Panel on the Assessment of Key Legislation, and the Judicial Commission of Inquiry into Allegations of State Capture, have recommended investigating the prospects of electoral reform to enhance accountability of elected officials.

These debates have similarly been seen in previous reviews of South Africa's electoral system including the Electoral Task Team in 2002, tasked with defining a permanent electoral system post-transition, and the Ministerial Advisory Committee on Reform of the Electoral System in 2020, in response to a Constitutional Court ruling to amend the electoral system to allow for independent candidates. Concerns over public participation in these amendments in 2023 led to the creation of the ERCP to investigate the potential for broader electoral reform. The ERCP differs from previous reviews by being constituted in law and has a longer timeframe for public engagement to allow for a comprehensive review.

Key Electoral System Design Elements

The discussion paper introduces key terms and design elements of electoral systems that will need to be considered as part of its work, including:

- **Electoral System Types:** Plurality/majority systems, mixed systems, and proportional representation systems.
- **Electoral Districts (Constituencies) and District Magnitude:** The size and boundaries of electoral districts, including single-member and multi-member constituencies.
- **Compensatory and Two-Tier Systems:** The use of national compensatory lists to ensure proportionality in two-tier systems including either proportional representation or mixed systems.
- **Ballot Structure (Open/Closed Lists):** The ability for voters to indicate candidate preferences on party-lists.
- **Thresholds:** The minimum level of support required for a party or candidate to gain representation.

Constitutional Provisions and Guiding Principles

The Constitution of South Africa mandates an electoral system for national and provincial elections, which “results, in general, in proportional representation”, providing broad guidelines and a degree of flexibility in the electoral system choices. The ERCP has adopted seven guiding principles to evaluate potential electoral system options: inclusivity, fairness, accountability, simplicity, electoral manageability, transparency, and stable and efficient government. These principles are not mutually exclusive and require careful consideration in relation to each other.

Public Submissions and Common Themes

The ERCP received 348 submissions from various stakeholders, highlighting a range of concerns and suggestions for reform. The most common theme was the need for increased accountability and a stronger link between representatives and voters. This was usually expressed through calls for smaller constituencies, the ability to vote for individual candidates, and mechanisms for recalling representatives.

Other values identified in submissions included fairness, inclusivity, and the importance of maintaining overall proportionality. Some submissions advocated for a legal threshold to prevent excessive fragmentation of the party system, while others expressed divergent views on the role of independent candidates.

Next Phase of Consultations

The ERCP will continue engaging with the public through consultations across all nine provinces. Stakeholders are encouraged to participate in these events and share their views on the prospects of electoral reform.

The ERCP's final report, due in May 2025, will provide a comprehensive analysis of potential electoral reform options, including their advantages, disadvantages, legal and constitutional implications, and financial implications. The final decision on the future of South Africa's electoral system will ultimately rest with Parliament in terms of their constitutional powers to determine the electoral system for the National Assembly and provincial legislatures.

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Introduction

The conception of the Electoral Reform Consultation Panel (ERCP) arose out of the realisation that there was a significant public desire for a fundamental review of South Africa's electoral system. This realisation arose during the legislative process to amend the Electoral Act to allow for the participation of independent candidates in national and provincial elections as required by the Constitutional Court's ruling in the *New Nation Movement NPC and others v President of the Republic of South Africa and others* [2020] ZACC 11.

The Electoral Amendment Act of 2023 adopted a minimalist approach in its endeavour to accommodate the participation of independent candidates, but it was felt that there was insufficient time ahead of the 2024 for adequate consultation and a full review of the electoral system. Consequently, the Electoral Amendment Act included a provision for the establishment of the ERCP with the task to investigate and make recommendations in respect of potential electoral reforms.

Several commissions in recent years including the Independent Panel Assessment of Parliament (chaired by former Member of Parliament Pregs Govender), the High-Level Panel on the Assessment of Key Legislation (former President Kgalema Motlanthe) and the Judicial Commission of Inquiry into Allegations of State Capture (former Chief Justice Raymond Zondo) have made recommendations to consider the prospects of electoral reform and thirty years into the democratic era there appears to be some appetite for a review of the electoral system. Given these realities, the ERCP was conceived as an independent institutional mechanism to undertake a fundamental review of the electoral system and prepare recommendations for Parliament to exercise its constitutional prerogative in determining the electoral system for national and provincial elections.

On 16 May 2024, the National Assembly approved the following persons to serve on the ERCP:

- (1) Adv Richard Khaliphile Sizani (Chairperson)
- (2) Adv Faith Pansy Dikeledi Tlakula
- (3) Ms Mmatsie Mooki
- (4) Ms Tomsie Dlamini
- (5) Dr Michael Oliver Sutcliffe
- (6) Mr Phatudi Simon Mamabolo
- (7) Mr Michael Andre Hendrickse
- (8) Mr Norman du Plessis
- (9) Dr Albertus Schoeman

The then Minister of Home Affairs, Aaron Motsoaledi, formally appointed the ERCP on 28 May 2024.

In terms of section 23 of the Electoral Amendment Act of 2023,¹ the functions of the Panel inter-alia are as follows:

- To independently investigate, consult on, report on and make recommendations in respect of potential reforms of the electoral system for the election of the National Assembly and the

¹ Republic of South Africa. Electoral Amendment Act 1 of 2023.

https://www.gov.za/sites/default/files/gcis_document/202304/48432electoralamendmentact1of2023.pdf

election of the Provincial Legislatures, in respect of the elections to be held after the 2024 elections.

- To undertake a public participation process regarding the issues falling within its functions.

Within 12 months of the date of the 2024 elections, the Panel must submit a report to the Minister of Home Affairs on the possible options for electoral reform for the election of the National Assembly and the election of the provincial legislatures which must include:

- reasons, potential advantages and disadvantages;
- legal and constitutional implications; and
- financial implications, for each proposed electoral system or electoral reform identified by the Panel.

In terms of the ERCP's mandate, it is important to note the boundaries of its core mandate to provide recommendations on the *electoral system* for the *National Assembly* and *provincial legislatures*. Conceived in this way, questions around reforms to the local government electoral system fall outside of the scope of the ERCP along with any proposed changes to the National Council of Provinces. In the same vein, suggestions for the direct election of the President, Premiers and Mayors extend beyond the ERCP's core mandate which is limited to the election of the National Assembly and provincial legislatures.

The ERCP's mandate is also limited to potential reforms of the *electoral system*, meaning the method and rules for determining how votes are used to calculate seat allocations in the respective legislatures. In this regard, issues relating to election administration are separate to the work of the ERCP including issues such as electronic voting, mail-in ballots, voter registration and the date of elections. Similarly, issues related to regulating political party funding, while important, extend beyond the ERCP's mandate. Concerns that have been raised in these areas will be collated to share as an annexure to the ERCP's final report but remain separate from the ERCP's mandate in terms of the Electoral Amendment Act, 2023.

The ERCP's final report is due for submission to the Minister of Home Affairs by 29 May 2025 with the possibility of extension with good reason. Following submission to the Minister, the Minister is required to table the ERCP's report in Parliament within a month of submission for Parliament's consideration. The ERCP's role is advisory to Parliament and the final choice rests with Parliament in line with its constitutional powers to determine the electoral system for national and provincial elections and may or may not require constitutional amendments.

Purpose of the Discussion Paper

This discussion paper is aimed at providing the necessary context for South Africans to engage meaningfully with the ERCP and is structured into four parts:

- The historical context of South Africa's electoral system and key reports that have recommended changes to our electoral system over the years.
- An overview of the relevant Constitutional provisions which frame the electoral system choice as well as an elaboration of the guiding principles agreed by the ERCP for evaluating the appropriateness of electoral system options.

- The key terms and electoral system design elements that will need to be considered by the ERCP and the public.
- A summary of the common themes emerging from the written submissions shared with the ERCP in the first phase of public engagement.

The intention of the discussion paper is to promote debate on the options available to South Africa and invite comment on specific aspects of different design elements that will need to be considered. The final report will provide a more comprehensive analysis of options and the strengths and weaknesses of different systems.

History of the South African System and Electoral Reform

The ERCP is South Africa’s third major review of the electoral system since 1994. It is, however, different from previous reviews in the fact that the ERCP is constituted in law and has been granted a significantly longer timeframe to thoroughly engage with the public and provide a comprehensive review of the electoral system. An initial review, dubbed the Electoral Task Team, took place in 2002 to establish a permanent electoral system for South Africa coming out of the transitional arrangements of the 1990s. The second review, the Ministerial Advisory Committee on Reform of the Electoral System, took place in 2020 in response to the Constitutional Court ruling that the electoral system should be amended to allow for independent candidates which formed its core focus. Concerns over public participation in the process of preparing the legislative amendments to allow for independent candidates, in turn, led to the conceptualisation of the ERCP to conduct a thorough investigation of electoral system options and provide recommendations to Parliament.

In parallel, several independent commissions established since 1994 have similarly recommended a review of South Africa’s electoral system. Many of the debates around an appropriate electoral system for South Africa have deep roots stretching back to the early 1990s² and have been extensively influenced by the context of South Africa’s negotiated transition³ and the electoral system agreed under the 1993 Interim Constitution.⁴

Inaugural Electoral System: Concerns and Goals

The essential features of South Africa’s electoral system were decided at the Convention for a Democratic South Africa (Codesa) and the constitutional negotiations of the early 1990s.⁵ In the negotiations, the National Party knew that the first-past-the-post electoral system in use at that time would limit their representation given South Africa’s demographic make-up and the likelihood was that there would be few single-member constituencies where “white parties” (or candidates) would win. The African National Congress in turn, was not insensitive to these concerns⁶ and itself felt that

² Lijphart, A. 1995. The South African Electoral System: Unusual Features and Prospects for Reform. <https://archive.fairvote.org/reports/1995/spot4/lijphart.html>

³ Reynolds, A. 1994. A Fair Voting System For South Africa. <https://archive.fairvote.org/reports/1993/reynolds.html>

⁴ Constitution of the Republic of South Africa Act 200 of 1993. <https://www.justice.gov.za/legislation/acts/1993-200.pdf>

⁵ Lodge, T. “How the South African Electoral System Was Negotiated”. *Journal of African Elections*, Vol 2: 1.

⁶ Mandela N. 1994. *The Long Walk To Freedom*. Randburg, Macdonald Purnell.

a non-racial future South Africa would require the inclusion and representation of South Africa's various groups. In this way, the main political actors during South Africa's transition were of a common view that a system of proportional representation would be most appropriate for ensuring representation and inclusion of South Africa's diversity and avoiding domination by one group.

The Interim Constitution agreed for the 1994 election established a proportional representation electoral system in which 200 seats in the National Assembly would be filled from regional lists with a fixed number of seats reserved for each of the nine regions (which would later form the nine provinces) and 200 seats to be filled from national lists submitted by the respective parties, or from regional lists where national lists were not submitted. According to the agreed procedures, regional representatives (200) were elected with different regional quotas depending on turnout and the votes for all regions were then aggregated to determine overall support for parties at the national level with seats then allocated to ensure overall proportionality. Thus, the emerging democratic South Africa adopted a closed-list proportional representation system which ensured parliamentary representation almost in exact proportion to the votes each party received and allowed for small parties to gain representation. There was no threshold that parties had to meet to gain a seat. The lowest support an elected party received in the 1994 election was 0.45% (which secured one seat).⁷

Electoral Task Team – van Zyl Slabbert

The electoral system agreed for the 1994 election was a temporary arrangement agreed as part of the negotiated transition and the incoming government would still decide the future constitutional arrangements beyond a broadly agreed set of principles. The 1996 Constitution kept this transitional electoral system in place for the upcoming 1999 election, but with the provision that new legislation would be prepared to establish a permanent system. This meant that eight years after the inaugural election, new legislation on the electoral system had to be introduced.

To address this gap in the law, Cabinet appointed an Electoral Task Team (ETT) in 2002 chaired by Frederik van Zyl Slabbert to draft legislation for the impending 2004 election.⁸ There were many areas on which the ETT agreed, including the core values of fairness, inclusiveness, simplicity and accountability, and members unanimously praised the existing system for accommodating South Africa's diversity. A survey conducted around that period showed high approval rates for the electoral system. Members of the ETT were, however, divided in their final recommendations based on contention centred around the issue of the extent to which the system encouraged accountability.

Of the four values, the majority opinion felt that accountability was not sufficiently enforced by the system with insufficient mechanisms for holding Members of Parliament accountable to voters. Their view was that representatives should be brought closer to voters through reducing the size of regional multi-member constituencies corresponding to the administrative boundaries of local government districts. In their view, voters would be familiar with their MPs and, in turn, MPs could place greater focus on issues relevant to local communities.

⁷ Lijphart, A. 1995. The South African Electoral System: Unusual Features and Prospects for Reform. <https://archive.fairvote.org/reports/1995/spot4/lijphart.html>

⁸ Electoral Task Team. 2003. <https://www.gov.za/documents/other/electoral-task-team-report-01-jan-2003>

Conversely, the minority view felt that the existing system still received wide support from the broader public – and the majority of political parties – and therefore saw no need for changing the system. Their view was that the original goals of the electoral system to promote political diversity and broad political representation were still needed at that point in South African history and felt that any changes were unjustified. Equally important, parties were able to advance gender equity, something that would have been difficult if voting were left entirely to individual voters to directly elect public representatives. Parliament ultimately adopted this proposal, retaining the system used in the 1994 and 1999 elections.

Independent Panel Assessment of Parliament

In 2006, the speaker of Parliament and the Chairperson of the National Council of Provinces appointed an Independent Panel chaired by former Member of Parliament (MP), Pregs Govender, to review the functioning of Parliament in meeting its constitutional obligations in terms of “the extent to which Parliament ensures that there is accountability, responsiveness and openness regarding the implementation of matters enshrined but not limited to Chapter 4 and 5 of the Constitution” dealing with Parliament and the National Executive.⁹

Among the issues probed was the relationship between the parliament, voters and the executive in relation to oversight and accountability. The Panel deliberated at length on the impact of the party-list electoral system on various aspects of Parliament’s work, with the Panel noting that the party-list system tended to promote accountability of Members of Parliament to their political parties rather than to the electorate. The MPs of the governing party, the report noted, avoid “confrontation and open criticism of senior members of the Executive”¹⁰ and pointed to the electoral system as the cause of such avoidance.

In their view, as the executive is made up of senior members of the governing party, who are also responsible for compiling a list of candidates for parliament, MPs are held back by the fear that, if they criticised the executive, then they would be excluded from the party-list in the next election. The Independent Panel recommended a review of “the impact of the party list system as it is currently structured in South Africa, as well as alternatives”. The report further argued that the electoral system should be replaced by a mixed system “which attempts to capture the benefits of both the constituency-based and proportional representation electoral systems.”¹¹

High Level Panel: Assessment of Key Legislation and Acceleration of Fundamental Change

Nearly a decade later, a new “High Level Panel” chaired by Former President Kgalema Motlanthe was appointed to undertake a legislative review with the overall aim of assessing the impact of legislation and implementation on addressing South Africa’s greatest challenges including poverty and unemployment; land reform and nation-building. The High-Level Panel on the Assessment of Key

⁹ Report of the Independent Panel Assessment of Parliament. 2009.

https://www.gov.za/sites/default/files/gcis_document/201409/panelassessparl.pdf

¹⁰ Ibid.

¹¹ Ibid.

Legislation and the Acceleration of Fundamental Change¹² echoed the findings of Govender's Independent Panel and recommended deepening the relationship between constituencies and their representatives. Accordingly, they argued that measures should be introduced to create a link between politicians and voters.¹³

Commission of Inquiry into State Capture – Zondo Commission

The Commission of Inquiry into Allegations of State Capture (Zondo Commission) established in 2018 to investigate allegations of state capture, corruption and fraud in the public sector again raised a proposal to investigate the prospect of electoral reform in one of its final reports on the failure of Parliament to prevent state capture.¹⁴ The Zondo Commission report believed that the party-list system had the potential to undermine effective parliamentary oversight over the executive branch of government, particularly if there were insufficient constraints against expulsion of Members of Parliament from the parties they represent. In their view, this was seen in the way MPs were threatened with punishment if they were to defy the party line, leading to MPs closing ranks to protect the executive from investigation. Seeing a connection between the electoral system and the failure of public representatives to hold the executive accountable, the Zondo Commission “recommended that Parliament should consider whether introducing a constituency-based (but still proportionally representative) electoral system would enhance the capacity of members of Parliament to hold the executive accountable.”¹⁵

New Nation Judgement and the Ministerial Advisory Committee on Electoral System Reform

The prospect of electoral reform resurfaced in 2020 when the Constitutional Court ruled that the electoral system was unconstitutional in its failure to allow for independent candidates to contest elections in the *New Nation Movement NPC and others v President of the Republic of South Africa and others* judgement.¹⁶ The legal challenge was brought by a private individual with the support of non-profit organisations, in which the private individual aspired to stand for public office, but not as a party candidate. The Court found that the Electoral Act of 1998 was unconstitutional to the extent that it only allowed citizens to be elected to the National Assembly and provincial legislatures through their membership of a political party and in the Court's view, thus violated the Bill of Rights. Parliament was directed to rectify the deficiencies of the Electoral Act within 24 months.

¹² Report of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change. 2017.

https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf

¹³ Report of the High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change. 2017. parliament.gov.za. pp525.

¹⁴ Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud ... Report: Part VI, Vol 2 – Parliamentary Oversight. 2022.

https://www.statecapture.org.za/site/files/announcements/670/OCR_version_-_State_Capture_Commission_Report_Part_VI_Vol_II_-_CR.pdf pp658.

¹⁵ Op cit, pp658.

¹⁶ Constitutional Court of South Africa. *New Nation NPC and Others v President of South Africa and Others*. 20 June 2020. Case CCT110/19. Saflii.org.

This requirement to reform the electoral system to allow for independent candidates led to the establishment of the Ministerial Advisory Committee (MAC) on Electoral System Reform led by former Minister of Constitutional Development, Valli Moosa. One of questions that MAC faced in reflecting on their mandate was whether they should seek to satisfy the Constitutional Court judgement with as little disruption to the existing system as possible, or if it was an opportunity to “address public aspirations for an electoral system that includes a greater element of local representation and individual accountability to voters.”¹⁷

Divergent views lead to MAC making two different recommendations. Option 1 proposed a modified version of the existing system dubbed the minimalist approach to allow independents to contest the regional multi-member constituencies. Option 2 proposed the adoption of a mixed system which would replace the nine provincial multi-member constituencies with 200 single-member constituencies while retaining the national compensatory list similar to the local government electoral system.

Parliament adopted the minimalist recommendation which allowed independent candidates to contest one of the nine multi-member constituencies and introduced a second ballot for national elections on which voters could only vote for political parties. The adoption of this approach led to objections from stakeholders who felt that there was insufficient public consultation in the process of reforming the electoral system and threatened litigation which could derail the timetable for the 2024 election. This led to a compromise in which the ERCP was conceptualised and included in the Electoral Amendment Act to address these concerns and provide a thorough review of the South African electoral system and identify appropriate options for the country. It is within this historic context that the ERCP has been tasked to investigate and make recommendations in respect of potential reforms of South Africa’s electoral system.

Key Electoral System Design Elements

A country’s electoral system choice is one of the most important institutional decisions for any democracy. The design of the electoral system determines how we choose our representatives, who is elected to govern on our behalf, who writes our country's laws, and who sets policy and holds government departments accountable for their performance. While it is not a panacea to all of society’s challenges, appropriate electoral institutions are foundational to the quality of democracy and can nudge the political system in the right direction through appropriate institutional design.

What is an electoral system

In the simplest terms, an electoral system is the method and rules that determine how the votes cast in an election are translated into the seats won in legislatures by political parties and candidates. Key design elements include the electoral system type (majoritarian, mixed or proportional systems), the size and boundaries of electoral districts, formulas for seat allocation and dealing with remainders

¹⁷ Ministerial Advisory Committee on Electoral System Reform. 2022.
https://static.pmg.org.za/Report_of_Ministerial_Advisory_Committee_on_electoral_System_Reform.pdf

(unallocated seats after the first allocation), the structure of ballots and a range of other smaller design elements.

Issues of election administration are separate considerations from electoral system design and are beyond the mandate of the ERCP. This includes questions around the use of electronic voting, the number and location of voting stations, voter registration, and candidate nomination procedures. The choice of electoral system may, however, have implications for enhancing electoral functionality in so far as it affects ballot structure and ballot numbers per voter, counting procedures and the declaration of results.

Electoral system types

Electoral systems are broadly categorised into three main families: plurality/majority systems, mixed systems, and proportional representation systems.¹⁸ Plurality/majority systems include first-past-the-post electoral systems such as that used in the United States, the United Kingdom and various other former British colonies such as India, Botswana and South Africa pre-1994. The French electoral system based on a two-round system of voting presents another plurality/majority variant and in these types of systems the candidate who wins the most votes in a constituency wins that seat.

In turn, systems of proportional representation allocate legislative seats in proportion to the number of votes received by each party and most commonly use party-lists from which candidates are elected.¹⁹ In systems using party-lists, voters choose between party-lists prepared by political parties rather than voting for individual candidates and the winning candidates are taken from party-lists according to the number of seats won by each party proportional to their vote share. South African national and provincial elections make use of a party-list proportional representation system which also allows for independent candidates. Systems of proportional representation are common among European and South American countries as well as a range of African countries including our neighbours Namibia and Mozambique.

Mixed electoral systems combine elements of both plurality/majority and proportional representation systems with these systems running alongside each other. In mixed systems, some candidates are typically elected in single-member constituencies²⁰ while others are elected in multi-member constituencies.²¹ South African local government elections use a mixed system whereby candidates are elected in both wards and from party-lists.

Mixed systems differ according to whether the two types of elections are linked or not. In Parallel systems, the results of the two elections are distinct and seats are allocated independently with no

¹⁸ International Institute for Democracy and Electoral Assistance. 2005. *Electoral System Design: The New International IDEA Handbook*. <https://www.idea.int/publications/catalogue/electoral-system-design-new-international-idea-handbook>

¹⁹ The Single Transferable Vote system is another version of proportional representation in which voters can rank candidates in order of preference within a multi-member constituency.

²⁰ Some mixed systems make use of block-voting whereby a slate of candidates is elected using a plurality/majority system – although these are rare.

²¹ International Institute for Democracy and Electoral Assistance. 2023. *Mixed Electoral Systems Design and Practice*. <https://www.idea.int/publications/catalogue/mixed-electoral-systems-design-and-practice>

interaction between the results in the two systems in countries such as Japan, Italy and Ukraine. Other mixed systems have a compensatory component in which the results of these two types of elections are linked. In Mixed-Member Proportional systems, the allocation of party-list seats is linked to the results of contests in single-member constituency seats and allocations of party-list seats are adjusted accordingly to ensure overall proportionality. Variations can be found in countries such as New Zealand and Lesotho. In the South African local government mixed variant, proportional representation seats are determined by the aggregation of both ward and party-list ballots in a two-tier compensatory system.

Electoral districts (constituencies) and district magnitude

Beyond these broad families, electoral systems also vary in the size of electoral districts in terms of the number of seats up for election. An electoral district, or constituency, refers to the geographic boundaries within which a group of voters vote for a set number of candidates and an electoral district can be for the election of one or more representatives to an elected body. In some countries this is also referred to as a constituency, which is used as a synonym for electoral districts.

Plurality/majority systems typically make use of single-member constituencies²² while all proportional representation systems make use of multi-member constituencies. In mixed systems, representatives are usually elected from a combination of single-member and multi-member constituencies. The size of multi-member constituencies is a key design feature differentiating systems of proportional representation in terms of the number of candidates elected from a specific constituency and is referred to as the *district magnitude* of an electoral system. Party-lists are drawn up according to the district magnitude of multi-member constituencies and the number of seats in a constituency is generally proportional to the number of voters in that area.

The South African electoral system for the National Assembly includes multi-member constituencies aligned with the administrative boundaries of each of the nine provinces (the regional ballot) and one national multi-member constituency for the remaining 200 seats (the national ballot). Within these multi-member constituencies, voters were asked in May 2024 to elect representatives from regional party-lists ranging from five representatives in the Northern Cape to 47 in Gauteng – the largest constituency.

Countries using systems of proportional representation vary in their approach to deciding the boundaries of multi-member constituencies and in most cases follow existing administrative boundaries. Multi-member constituencies can either be at the national level, such as seen in small countries including Israel and the



Figure 1 South Africa's Nine Regional Multi-Member Constituencies

²² Block voting is an exception.

Netherlands, at the provincial level such as in Brazil, Spain and Switzerland, or at the local government level such as seen in Norway and Portugal. Some countries such as Sweden and Turkey follow administrative boundaries but subdivide major cities into smaller multi-member constituencies to avoid large discrepancies in the size of constituencies to bring representatives closer to voters.

The size of constituencies is a key design choice within the family of proportional representation electoral systems and the size of these constituencies can affect the degree of proportionality as well as the closeness between voters and their representatives (although in a compensatory system, such as that used in our national elections, overall proportionality is restored regardless of district magnitude). Electoral districts with a higher district magnitude (the number of seats in a multi-member district) allow for small party representation. However, larger constituencies also weaken the linkage between voters and their representatives.²³ An overview of multi-member constituency variations in proportional representation systems can be found in Appendix 1.

Compensatory and two-tier systems

South Africa's electoral system for the National Assembly makes use of a two-tier system whereby voters vote for both a national party-list and regional party-lists. The higher tier national party-list is compensatory, and seats are allocated based on the overall results of votes on both the regional and national ballot. Parties which receive too few votes on regional ballots to qualify in one of the regional multi-member districts can still win national seats based on their overall vote share on both ballots. In the 2024 election for example, several smaller parties received too few votes in the regional multi-member districts to secure a seat but received enough votes overall to win seats in the National Assembly.

The size of South Africa's national compensatory list is large compared to countries with similar systems, but it is a powerful tool for increasing proportionality and the size of South Africa's compensatory national list is the primary design feature that makes it the most proportional electoral system in the world. Appendix 2 provides an overview of countries which make use of two-tier proportional representation systems and the overall proportionality of electoral systems.

Ballot structure (open/closed lists)

Another key design feature differentiating proportional representation systems is the ability for voters to indicate candidate preferences on party-lists. South Africa, like most countries using systems of proportional representation, uses closed party-lists meaning that the order of candidates on a party-list is determined by political parties and voters are unable to express preferences for individual candidates. In this way, voters chose between pre-determined party-lists rather than individual candidates. In contrast, several European and South American countries including the Netherlands, Sweden, and Colombia use open lists in which voters can indicate not just their favoured party, but their favoured candidate within that party.

The adoption of such an open list system in South Africa may be impractical under the current electoral framework due to the large size of electoral districts in the most populous provinces as well

²³ Administration and Cost of Elections Project. District Magnitude.
<https://aceproject.org/main/english/es/esg04.htm>

as the large number of political parties and independent candidates contesting elections. In Gauteng, political parties can put forward 47 candidates on their party-lists for the regional ballot while the KwaZulu Natal multi-member district has 41 seats up for contestation on the regional ballot, making the adoption of an open list system impractical under the current system.

Thresholds

Every electoral system has a minimum threshold of votes that political parties or independent candidates must reach to win a seat. In some countries there is a legally imposed threshold usually expressed as a percentage of the vote to discourage excessive fragmentation of party systems. Some countries allow a degree of leeway in which winning a single seat in a multi-tier PR or mixed system is sufficient to secure representation without meeting the percentage-based threshold, or do not apply thresholds to independent candidates. Some two-tier systems have no threshold for the lower-tier, but include a threshold for the allocation of compensatory seats from the national list.

Countries without a legally imposed threshold instead have *effective thresholds* based on how easy/hard it is to win a single seat. This effective threshold is determined by the size of elected bodies (more seats which can be won) and the permissiveness of electoral rules which make it easier to win seats – generally, a by-product of electoral system designs with very high proportionality. South Africa’s electoral system for the National Assembly is highly permissive and has previously had an effective threshold as low as 0.17% – among the lowest in the world.²⁴ This should not be confused with *quotas*, such as Droop or Hare, which are used in calculating the number of votes needed for a whole seat and formulas for allocating remainders.

The question of a legal threshold has become relevant for South Africa in the context of the recently prepared Municipal Structures Amendment Bill, 2024 which includes a provision proposing to introduce a legal threshold for local government elections. Legal thresholds such as these are common in both mixed and proportional representation systems and are aimed at preventing the excessive fragmentation of party systems which makes coalition/government formation more complex and can often be a source of instability.

Considerations for South Africa

These various design choices have implications for the degree of proportionality in electoral systems, the closeness between voters and their representatives, the ease with which small parties can be elected, and the precision with which voters are able to choose their representatives. In several cases, this may require trade-offs between priorities, but it is important to recognise that the effects of a design choice in one area can be counter-balanced with choices in another area of electoral system design to find an appropriate balance between priorities for the South African context.

Constitutional Provisions

While the Electoral Amendment Act, 2023 does not preclude the ERCP from making recommendations which would require constitutional amendments, the key Constitutional

²⁴ Gallagher, M. & Mitchell, P. 2005. *The Politics of Electoral Systems*. Oxford: Oxford University Press.

provisions outlining the requirements for national and provincial elections are still relevant guidelines for determining what an appropriate electoral system for South Africa should be.

Relevant Constitutional provisions include section 46 (1) which stipulates:

46. (1) The National Assembly consists of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that—

(a) is prescribed by national legislation;

(b) is based on the national common voters roll;

(c) provides for a minimum voting age of 18 years; and

(d) results, in general, in proportional representation.

The provision for an electoral system resulting in proportional representation “in general” is echoed in section 105 (1) in relation to provincial legislatures. The question of how to interpret the meaning of proportional representation “in general” in terms of electoral system design has long been debated. Most recently, the issue was considered in the Independent Candidate Association South Africa NPC v President of the Republic of South Africa and Others judgement.²⁵

In this case, the applicant contested the rationality of the Electoral Amendment Act’s 200/200 split which meant that independent candidates could only contest half of the National Assembly seats. Ultimately, the Constitutional Court found that the applicant could not prove that the 200/200 split was arbitrary as the split would prevent overhang.²⁶ In terms, of proportional representation, in general, the Constitutional Court reasoned that both a 200/200 and 350/50 split would meet the constitutional threshold for proportional representation and that it was not for the Court to prescribe to Parliament which of these to opt for. In the Court’s view, case law “demonstrates the wide latitude given to Parliament to consider the manner in which to conduct the electoral system” and “although the Constitution does set out requirements, there are a number of possible electoral systems which would comply with these requirements.”

Majoritarian systems (first-past-the-post) such as that used in the United States, the United Kingdom and South Africa pre-1994 are the main type of electoral system that would clearly require constitutional amendments. There, however, seems to be limited interest among the broader public for the adoption of such a system.

Guiding Principles

When considering electoral system options for South Africa, it is important that the local context is taken into account as electoral systems that work in other countries may not be appropriate for the South African context. To navigate the myriad of electoral systems available, the ERCP adopted seven guiding principles for evaluating proposed electoral systems for South Africa. These principles draw on the country’s founding values set out in section 1 of the Constitution to establish a multi-

²⁵ [Independent Candidate Association South Africa NPC v President of the Republic of South Africa and Others \[2023\] ZACC 41.](#)

²⁶ This would require adding additional seats in the National Assembly to restore proportionality with the challenge that the Constitution limits the number of seats to 400 currently.

party system of democratic government based in accountability, responsiveness and openness to uphold values of human dignity, non-racialism, non-sexism, and the achievement of equality. The seven guiding principles are: inclusivity, fairness, accountability, simplicity, electoral manageability, transparency and stable and efficient government. These principles are not exclusionary and instead serve as a starting point for assessing electoral systems and other principles may also prove applicable to the South African context.

Inclusivity

Given South Africa's diversity and history, inclusivity is indispensable. The electoral system choice should encourage participation across the broad political and socio-economic tapestry of South Africa to foster diversity of opinion and encourage representation of all South Africans across demographic and geographic boundaries. This includes gender representation in line with values of non-sexism and equality.

Fairness

The principle of fairness gives effect to universal suffrage and values of equality and human dignity. Every eligible voter should have the reasonable opportunity to participate in elections and as much as possible, votes should be of equal value. Election results should closely represent the will of the people and be fair in the allocation of national and provincial seats without undue bias or discrimination against candidates or parties.

Accountability

Accountability is a key democratic value based on the principle that elected representatives are appointed to govern on behalf of voters. This relationship places an obligation on elected representatives to enact the will of the people and accountability is the idea that representatives must be answerable in some form to citizens to explain their performance and justify their decisions as part of the social contract. Accountability can take both individual and collective forms and is closely linked to the question of responsiveness. While the choice of electoral systems can shape relationships of accountability, it is recognised that electoral systems cannot guarantee that elected representatives will act with accountability. A closer association between voters and representatives may be desirable.

Simplicity

A degree of simplicity is necessary to ensure that the electoral system is accessible to citizens to enable the exercise of their democratic rights. This requires adopting voting procedures that practically every voter can reasonably understand in order to make their choice(s), reduce spoilt ballots and allow for their effective participation in the democratic system. It should, however, be acknowledged that South African voters should not be underestimated and that voters are familiar with multi-ballot systems and distinguishing between individual candidates and political parties such as that used in the local government context and in the 2024 elections. Similarly, the number of spoilt ballots has been low over the last thirty years with only 1% of ballots spoilt in the 2024 general election – despite the introduction of a third ballot.

Electoral manageability

While the principle of simplicity supports voters in the exercise of their democratic rights, electoral manageability is aimed at ensuring the effective and efficient conduct of the electoral process. The choice of electoral system should enable effective election management to ensure the credibility of the electoral process and limit frivolous contestations. This principle should be carefully balanced against the achievement of other principles and should not be equated with administrative convenience and instead aims to ensure the integrity of the election process to foster trust in electoral outcomes.

Transparency

Transparency is critical for the credibility of the electoral process and voters' trust in the system. Processes for determining the allocation of seats for political parties and candidates based on election results should be clear to voters. In cases where voting boundaries are demarcated, the process and rules must be transparent, easily understandable and ideally consistent with existing governance boundaries, to foster trust in the system and ensure that citizens regard the electoral system as fair and legitimate.

Stable and efficient government

An electoral system on its own will not determine the emergence of a stable and efficient government, but appropriate institutional design can facilitate stability. The avoidance of political instability is a common concern in electoral system design and includes issues such as the ease of government formation, whether government can efficiently enact legislation and govern, and the overall legitimacy of the political system based on the perceived fairness of political outcomes.

The interaction between principles

It is important to recognise that these guiding principles have the potential to be interpreted differently, that options may at times require trade-offs between principles, and that principles should be considered in relation to each other. A system which seeks to maximise inclusivity can increase the complexity and difficulty of running elections if it leads to an unmanageable number of candidates and political parties on ballot papers. In turn, if taken too far, simplicity can undermine values of inclusivity, fairness and accountability.

Consequently, the intention should not be to maximise the attainment of any one principle. Instead, the goal is to find an appropriate balance between these guiding principles to give effect to the country's founding values in a way that can be considered broadly legitimate to South Africans and allows for the establishment of a functional government. Some of these values may be considered more important to uphold when considering the relative balance, such as values of inclusivity or fairness. In contrast, others may only require a minimum level of sufficiency – i.e., the system should be simple enough that voters can easily exercise their democratic rights.

In terms of its mandate, the ERCP will also be required to determine the financial, legal and constitutional implications of different systems which will need to be taken into consideration by Parliament in its final decision.

Written Submissions and Common Themes

The ERCP issued a call for public submissions on the 26th of August 2024²⁷ with an initial deadline of 30 September 2024, with the deadline extended to 31 October 2024²⁸ in a subsequent press statement. The Panel received 348 submissions from civil society organisations, individual citizens, academics, political parties and independent candidates from across the country. The ERCP received many well-considered submissions from the public and thanks all those who took the time to share their views on the prospect of electoral reform and looks forward to engaging further in the next phase of consultations.

In terms of suggested reforms to the electoral system, a variety of options and issues were raised by the public. Common suggestions included variations of previous proposals such as the use of smaller multi-member constituencies, or the adoption of a mixed system that introduces single-member constituencies. Some advocated for the retention of the existing system. Many submissions did not identify a specific type of electoral system and instead raised concerns about the existing system or referred to specific design features considered desirable.

Accountability was a commonly raised concern and value referenced among the submissions received. This was generally conceived in terms of the ability to vote for candidates rather than political parties (whether in terms of independent candidates, an open-list system or the use of smaller or single-member constituencies), strengthening the tie between representatives and voters, and in some submissions, introducing the ability to recall representatives.

Other values identified in public submissions, although to a lesser extent, included the importance of fairness and inclusivity. Various submissions recognised the value of maintaining proportionality in the electoral system to encourage representation of diverse views – in some cases advocating for a retention of the current system and in others, how proportionality could be maintained in the context of reforms. In turn, some submissions were concerned that too many political parties could foster instability and argued for the adoption of a legal threshold to contain fragmentation of the party system. Similarly, the ERCP received comments both in favour of and against independent candidates – although their inclusion is now a legal requirement.

The diversity of views and the themes emerging from the written submissions received from the public raise important questions as a first step in a national discussion on the prospects of electoral reform. In the next phase of consultations, the ERCP aims to engage with the public in all nine provinces to further unpack these proposals, engage on the advantages and disadvantages of different electoral system options and determine the degree of support in favour of specific proposals.

²⁷ Department of Home Affairs. 2024. The Electoral Reform Consultation Panel calls for Public Submissions. <https://www.dha.gov.za/index.php/statements-speeches/1804-the-electoral-reform-consultation-panel-calls-for-public-submissions>

²⁸ Department of Home Affairs. 2024. The call for submissions from the public on the reform of the Electoral System for the National Assembly and Provincial Legislatures has been extended to 31 October 2024. <https://www.dha.gov.za/index.php/statements-speeches/1816-the-call-for-submissions-from-the-public-on-the-reform-of-the-electoral-system-for-the-national-assembly-and-provincial-legislatures-has-been-extended-to-31-october-2024>

Next phase of consultations

Over the next four months, the ERCP will host public consultation events for all stakeholders across each of the nine provinces including both urban and rural areas. Stakeholders are encouraged to monitor announcements on dates and locations of public participation events by following the ERCP on social media channels including:

- [X \(formerly Twitter\)](#)
- [Facebook](#)

Stakeholders are also encouraged to continue sharing their views on the prospects of electoral reform by writing to the Panel including comments on this discussion paper. Key questions for the public are whether South Africans see challenges with our current electoral system and how they see that problem; what values/features are most important in choosing an electoral system; and what kind of changes they would like to see and why?

The public can write to the ERCP through the following channels.

- Delivered by hand to House 1, Ministry of Home Affairs, 909 Arcadia Street, Hatfield
- Mailed to Electoral Reform Consultation Panel at Private Bag X114, Pretoria, 0001
- Emailed to ERCP@dha.gov.za

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Appendix 1. Overview of Variations in Proportional Representation Systems

Types of Multi-Member Constituency (MMC) Boundaries used in Different Proportional Representation Systems

Some Demarcation	Un-demarcated
MMCs based on combining local government units using existing administrative boundaries	MMCs using existing local government administrative boundaries
MMCs based on existing local government but with new subdivisions for large cities	MMCs using existing provincial administrative boundaries
MMCs based on existing provincial boundaries but with new subdivisions for large cities	One MMC at the national level
MMCs demarcated distinct of administrative boundaries	Multi-tier systems using existing administrative boundaries at different levels of government

Variations in the Design of Proportional Representation Systems

Country	Level of MMC	Number of MMCs	Average District Magnitude
<i>Combined local governments</i>			
Benin	Combined communes	24 multi-member constituencies splitting the 12 departments in two along commune boundaries (3 and 8 seats)	5
Latvia	Combined municipalities	5 multi-member constituencies (from 12 to 36 seats). Expatriate votes are counted in the capital constituency	20
Liechtenstein	Combined municipalities	2 multi-member constituencies (15 and 10 seats)	13
Luxembourg	Combined municipalities	4 multi-member constituencies (7 to 23 seats)	15
Malta	Combined municipalities	13 multi-member constituencies (5 seats)	6
<i>Local government with city subdivisions</i>			

Guinea-Bissau	Combined districts & capital subdivision	27 multi-member constituencies (3 to 6 seats) and 2 single-member constituencies for two seats reserved for citizens living abroad	4
Iceland	Combined districts & capital subdivision	6 multi member constituencies (10 to 13 seats)	9
Indonesia	Combined districts & capital subdivision	84 multi-member constituencies (3 to 10 seats)	7
Ireland	Combined districts & capital subdivision	39 multi-member constituencies (3 to 5 seats)	4
Jordan	County & city subdivisions	23 multi-member districts (between 3 and 9 seats each) for 115 seats. In addition, there are 15 seats reserved for women who received the most votes but failed to be elected on their list	5
Poland	Combined districts & city subdivision	41 multi-member constituencies (7 to 20 seats)	11
Sweden	County & city subdivisions	29 multi-member constituencies for 310 members (2 to 34 seats) and 39 leveling seats to ensure proportionality	11
Provinces with city subdivisions			
Bulgaria	Provinces & subdivided capital	31 multi-member constituencies (4 to 16 seats)	8
Chile	Provinces & subdivided cities	28 multi-member constituencies (between 3 and 8 seats). Composed of 16 regions, with capital city area further subdivided as well as second city as a standalone constituency	6
Turkey	Provinces & subdivided cities	87 multi-member constituencies (1 to 36 seats)	7
<i>Demarcated distinct of administrative boundaries</i>			
Croatia		10 multi-member constituencies (14 seats each) for 140 seats - one special constituency (three seats) for Croatian citizens residing abroad (constituency No. 11) - one national constituency (eight seats) reserved for national minorities (constituency No. 12)	15
Slovenia		8 multi-member constituencies (11 seats each) - special constituencies for two members, respectively representing the Hungarian and Italian minorities	11
<i>Un-demarcated local government</i>			
Albania	County	12 multi-member constituencies (4 to 32 seats)	12
Denmark	County	10 multi-member constituencies (2 to 20 seats)	14

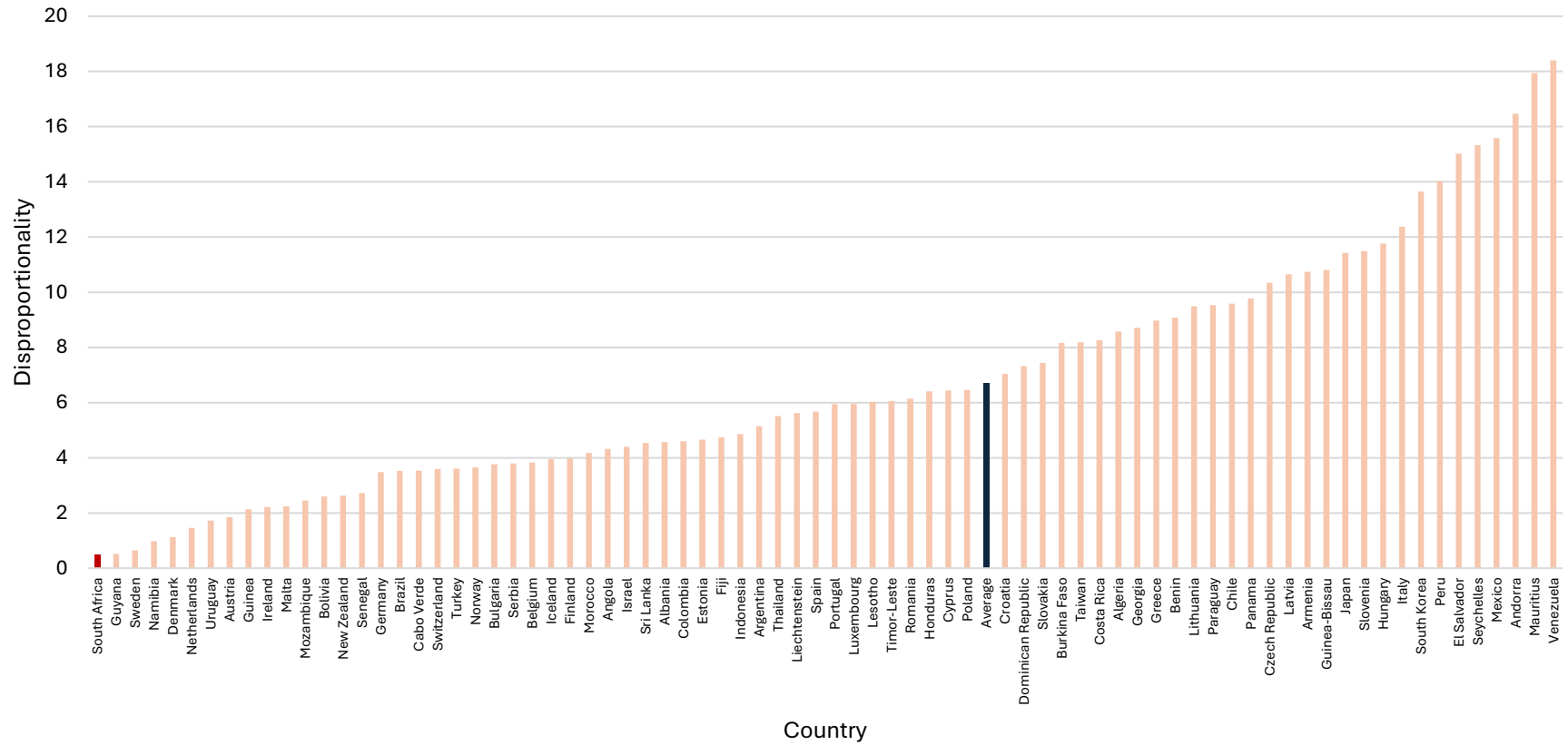
Equatorial Guinea	District	19 multi-member constituencies (1 to 10 seats)	5
Estonia	County	12 multi-member constituencies (5 to 16 seats)	8
Norway	County	19 multi-member constituencies (4 to 19 seats)	8
Portugal	District	22 multi-member constituencies (2 to 48 seats)	10
Romania	Counties & capital	42 multi-member constituencies for counties and Bucharest (4 to 29 seats) 1 constituency abroad (4 seats)	8
Sao Tome And Principe	District	7 multi-member constituencies (2 to 14 seats)	8
Togo	County	39 multi-member constituencies (2 and 10 seats)	3
<i>Un-demarcated provinces</i>			
Algeria	Province	58 multi-member constituencies. 8 seat constituency for overseas voters	7
Argentina	Province	24 multi-member constituencies (5 to 70 seats)	11
Belgium	Provinces & capital	11 multi-member constituencies (4 to 24 seats)	14
Brazil	Provinces & capital	27 multi-member (8 to 70 seats)	19
Burundi	Province	18 multi-member constituencies (4 to 11 seats)	6
Cambodia	Province	25 multi-member constituencies (1 to 12 seats)	5
Colombia	Province	33 multi-member constituencies (2 to 18 seats)	5
Costa Rica	Province	7 multi-member constituencies (4 to 19 seats)	8
Czech Republic	Provinces & capital	14 multi-member constituencies (5 to 26 seats)	14
Dominican Republic	Provinces & capital	32 multi-member constituencies. 3 multi-member constituencies abroad	6
El Salvador	Department	14 multi-member constituencies (2 to 16 seats)	4
Honduras	Department	18 multi-member constituencies (1 to 23 seats)	7
Finland	Province	12 multi-member constituencies (6 to 37 seats) and one single-member constituency (autonomous Aland)	15
Mozambique	Province	11 multi-member constituencies (12 to 45 seats). 2 single-member constituencies for citizens abroad	19
Namibia	Province	14 multi-member constituencies	7
Paraguay	Departments & capital	18 multi member constituencies (1 to 20 seats)	4

Peru	Provinces & capital	27 multi-member constituencies (1 to 33 seats)	5
Spain	Provinces	52 multi-member constituencies (1 to 37 seats)	7
Switzerland	Cantons	26 multi-member constituencies (1 to 36 seats)	8
Uruguay	Department	19 multi-member constituencies (2 to 40 seats)	5
National			
Armenia	National	One national constituency (107 seats)	
Fiji	National	One national constituency (55 seats)	
Israel	National	One national constituency (120 seats)	
Netherlands	National	One national constituency (150 seats)	
Serbia	National	One national constituency (250 seats)	
Slovakia	National	One national constituency (150 seats)	
Timor-Leste	National	One national constituency (65 seats)	
Multi-tier systems			District magnitude of lower tier
South Africa	Province & National	9 multi-member constituencies (5 to 47 seats) and one national constituency	22
Angola	Province & National	18 multi-member provincial constituencies (5 seats) one national constituency (130 seats)	5
Austria	Local, Provincial & National	39 regional constituencies, 9 provincial constituencies, and one national constituency	2
Burkina Faso	Province & National	45 multi-member provincial constituencies (2 to 9 seats) and one national constituency (16 members)	2
Ecuador	Province & National	24 multi-member constituencies and one national constituency	5
Greece	District & national	59 multi-member constituencies (1 to 19 seats) and one national constituency (15 seats)	5
Guyana	District & national	10 geographical constituencies (1 to 7 seats) and one national constituency (40 seats)	3
Morocco	Local & Provincial	92 multi-member local constituencies (2 to 6 seats) and 12 regional MMCs (3 to 12 seats)	3
Nicaragua	Department & National	17 multi-member constituencies for 70 seats (from 2 to 19 seats each) and one nationwide constituency (20 seats)	4
Sri Lanka	Combined districts and national	22 multi-member (4 to 19 seats) constituencies (for 196 seats) and one nationwide constituency (29 seats)	9

Appendix 2. Two-Tier Proportional Representation Systems

Compensatory and two-tier proportional representation systems		
Country	Seat split	% allocation of seats to increase proportionality
South Africa	200 regional & 200 national	50%
Angola	90 provincial & 130 national	59%
Burkina Faso	111 provincial & 16 national	13%
Denmark	135 county & 40 compensatory	22%
Ecuador	116 provincial & 15 national	11%
Greece	285 district & 15 national	5%
Guyana	25 district & 40 national	62%
Iceland	54 local & 9 compensatory	14%
Morocco	305 local & 90 provincial	23%
Nicaragua	70 district & 20 national	22%
Norway	150 district & 19 compensatory	11%
Sri Lanka	196 district & 29 national	13%
Sweden	310 county & 39 compensatory	11%

Gallagher Index of Disproportionality



The Gallagher Index is a statistical measure of the relative disproportionality of electoral systems based on the difference between the percentage of votes a party received and the percentage of seats each party receives in the resulting legislature.²⁹

²⁹ Gallagher, M. 2024. Values of indices. https://www.tcd.ie/Political_Science/about/people/michael_gallagher/ElSystems/index.php

Appendix 3. Definitions

These definitions build on the work of the International Institute for Democracy and Electoral Assistance's *Electoral System Design: The New International IDEA Handbook*.

Closed list – A form of proportional representation systems in which voters are restricted to voting only for pre-determined party-lists prepared by political parties and cannot indicate preferences for individual candidates within the party-list.

Compensatory seats – The proportional representation seats, usually in a mixed system, awarded to political parties to correct disproportionality in their representation in the results of the elections held in another tier of the electoral system, usually to correct proportionality in cases where some seats are elected using a plurality/majority system. Mixed compensatory systems differ in whether compensation is linked to *seats*, such as in Mixed-Member Proportional Systems, or *votes* such as in the South African local government system.

Constituency – A synonym for electoral district used predominantly in some anglophone countries to refer to the administrative boundaries within which a group of voters elect a set number of representatives. This includes either single- and multi-member constituencies.

District magnitude – The number of representatives to be elected in an electoral district/constituency. For example, the Gauteng regional constituency for the National Assembly has a district magnitude of 47.

Electoral district – The administrative boundaries within which a country or sub-national entity may be divided for electoral purposes. An electoral district may elect one or more representatives to an elected body.

Electoral formula – The aspect of the electoral system dealing with the translation of votes into seats. This includes the calculating of seat quotas, determining the allocation of seats and the method for allocating remainders.

Electoral system – The part of the electoral law and regulations which determines the method and rules for how parties and candidates are elected to a body as representatives. Its three most significant components are the electoral formula, the ballot structure and the district magnitude.

First Past The Post (FPTP) – The most commonly found version of a plurality/majority electoral system which uses single-member districts and is based on the election of individual candidates. The winning candidate is the one who gains more votes than any other candidate, even if this is not an absolute majority of valid votes.

Mixed-Member Proportional System – A Mixed-Member Proportional System is a type of mixed system which makes use of both plurality/majority seats and proportional representation seats. In such as system, proportional representation seats are linked to the results in the first-tier and are awarded to compensate for any disproportionality produced by the results of plurality/majority contests.

Mixed system – A system in which the choices expressed by voters are used to elect representatives through two different systems, one proportional representation system and one plurality/majority

system. Within the category of mixed systems there are two kinds of mixed system depending on whether the results in the two systems are linked or not. In Parallel systems, the results of the two electoral system types are allocated independent of one another. In Mixed-Member Proportional systems, the results are linked such that proportional representation seats are used to compensate and restore proportionality.

Multi-member constituency – An electoral district or constituency from which more than one representative is elected to a legislature or elected body.

Open list – A form of party-list proportional representation in which voters can express a preference both for a party and for one, or sometimes more, candidates within that party.

Parallel System – A mixed system in which the choices expressed by the voters are used to elect representatives through two different systems, usually one plurality/majority system and one proportional representation system, but where no account is taken of the seats allocated under the first system in calculating the results in the second system.

Plurality/majority systems – Plurality/majority systems are based on the principle that a candidate(s) or party with a plurality of votes (i.e. more than any other) or a majority of votes (i.e. 50 per cent plus one—an absolute majority) in an electoral district/constituency is declared the winner.

Proportional Representation (PR) – An electoral system grouping in which the overall votes received by a party is translated into a corresponding proportion of seats in an elected body. For example, a party which wins 30 per cent of the votes will receive approximately 30 per cent of the seats. All proportional representation systems use multi-member constituencies.

Quota – The number of votes which guarantees a party or candidate to win one seat in a particular electoral district in a proportional representation system.

Single-member constituency – An electoral district or constituency from which only one member is elected to a legislature or elected body.

Threshold – The minimum level of support which a party needs to gain representation in the legislature. A threshold may be a formal threshold established in law, usually in the form of a percentage of the valid votes cast, or an effective threshold that arises naturally from the minimum number of votes needed to win a seat.

Two-tier system – An electoral system in which two sets of representatives are elected to the same chamber by the entire electorate of a country. All mixed systems are two-tier systems, but proportional representation systems can also include multiple tiers. In these cases, electoral districts are defined at different levels within the country, for example, single-member districts and regions, or regions and the country as a whole such as in South Africa's electoral system for the National Assembly. Two-tier systems need to be distinguished from *hybrid systems*, in which one part of a country elects its representatives using one electoral system, and another distinct part of the country elects representatives using a different system with no overlap in electoral districts.