

A LAW SHOULD BE INTRODUCED TO FACILITATE MANDATORY VOTING

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This means that 10 million eligible voters have excluded themselves from the electoral process.

Almost half of South Africans who are eligible to vote remain unregistered to vote despite widespread voter education campaigns spanning a quarter of a century. According to our electoral body, the Independent Electoral Commission of South Africa (IEC, 2019), of the 36.7 million citizens eligible to vote, i.e those 18-years and older, only 26.7 million citizens are registered to vote. This means that 10 million eligible voters have excluded themselves from the electoral process.

During our last general elections in 2014 a whopping 43% of eligible voters did not vote at all (Schulz-Herzenberg, 2014).

Research shows that of the 26.7 million people registered to vote this year, only 17.6 million made their mark on May 8 resulting in a voter turnout of 65.99% (IEC, 2019) lower than the turnout in the 2014 general election where turnout was 73.48 (IEC, 2014). Voter turnout in 2009, which was 10 years ago was 77.30%.

There is no law currently in South Africa that mandates citizens to vote. This paper argues that the introduction of a law compelling eligible South Africans to vote will encourage more South African citizens to participate in electoral matters.

Democracy is new and not everyone has experienced its fruits as yet, not with the socio-economic and socio-political challenges that South Africans are grappling with at present. Many are yet to connect voting as a democratic process to their everyday life. Since the South African government has not invested much in education about democracy in the past, it cannot be assumed that a majority of South Africans understand and value the power of their vote. Current statistics and trends show that figures on the voter's roll are not growing at the same pace as the population growth rate.

Voter turnout trends in the last 15 years [2004 to - 2019 general elections] suggest a large number of registered voters do not bother casting their ballots anymore. For example in the Eastern Cape, as can be seen in the statistics provided in Table 1, there were more than 2.8 million people on the voter's roll in the 2004 provincial and national elections but only 2.3 million people actually turned out to vote on 14 April 2004. In 2009 the number of people on the voter's roll had marginally increased to 3 million but only 2.2 million people voted on 22 April 2009. In 2014 3.2 million people were registered to vote in the Eastern Cape but only 2.2 million of those voted on 7 May 2014. And in 2019 3.3 million people were registered to vote in the province but only 2 million of those voted on 8 May 2019. These figures clearly put voter turnout on a decline from 81.1% in 2004 to 59.51% in 2019.

Table 1: Eastern Cape voter turnout in the last 10 years

| | 14 April 2004 Sage Results | | 22 April 2009 Sage Results | | 7 May 2014 Sage Results | | 8 May 2019 Sage Results | |
|------------------------|----------------------------|-------|----------------------------|-------|-------------------------|-------|-------------------------|--|
| Registered Voters | 2 849 486 | | 3 056 559 | | 3 240 059 | | 3 363 161 | |
| Voters | 2 310 226 | 81.1% | 2 288 387 | 74.9% | 2 213 121 | 68.3% | 2 001 262 | |
| Invalid (Spoilt) Votes | 32 835 | 1.4% | 32 299 | 1.4% | 32 657 | | 27 081 | |
| Valid Votes | 2 277 391 | 98.6% | 2 256 088 | 98.6% | 2 213 121 | | 1 974 181 | |

Source: Independent Electoral Commission (IEC)

Democracy is failing us if less and less people are turning up to vote in each election, with the number of voters declining year after year. Who knows, there might come a time when it would just be candidates' supporters, friends and colleagues who will bother to show up (Ayres 2018).

Drawing from other parts of the world

Before it introduced compulsory voting in 1924, Australia, like South Africa, had a voter turnout of between 47% and 78%. Following the introduction of compulsory voting, these figures jumped to between 91% and 96%, with only 5% of eligible voters counted as not registered (Australian Electoral Commission, 2019).

Venezuela and the Netherlands are countries that have moved from compulsory voting to voluntary participation. The last Dutch compulsory election was held in 1967 and turnout in subsequent national polls

decreased by around 20% (Wikipedia 2019). Venezuela saw a drop in attendance of 30% in 1993 once compulsion was removed. Chile abolished compulsory voting in 2012 and voter turnout since then has dipped as low as 42%, near the bottom of a list of developed countries (International Institute for Democracy and Electoral Assistance 2019).

In Brazil those who do not vote but are eligible are not able to work for government and they cannot obtain a passport or a loan from a government bank (Singh 2016).

Australia fines first-time renegades (people who do not vote) about R173 for not turning to the polls without a valid reason and the fine

increases for repeat offenders. Those who fail to pay this amount are imprisoned for being in contempt of court (Western Australian Electoral Commission). Brazil and Australia, to mention just a few, enjoy higher voter turnouts because citizens see that the benefits of participating in an electoral process outweigh the costs. A Voter ID card in Brazil allows one to borrow money from government-owned financial institutions and taking up a public office post if one qualifies for a job.

As of August 2013, 22 countries provide for compulsory voting, and 11 democracies – about 5% of all United Nations members – enforce it (World Factbook: Suffrage at Central Intelligence Agency, 2013, IDEA).

Table 2: Full list of countries practicing compulsory voting

| Country | Age of Eligibility for Mandatory Voting | Population |
|-----------------------------------|---|-------------|
| Argentina | 18 | 43,024,374 |
| Australia | 18 | 22,507,617 |
| Belgium | 18 | 10,449,361 |
| Bolivia | 18 | 10,631,486 |
| Brazil | 18 | 202,656,788 |
| Congo, Democratic Republic of the | 18 | 77,433,744 |
| Costa Rica | 18 | 4,755,234 |
| Dominican Republic | 18 | 10,349,741 |
| Ecuador | 18 | 15,654,411 |
| Egypt | 18 | 86,895,099 |
| Greece | 18 | 10,775,557 |

| Country | Age of Eligibility for Mandatory Voting | Population |
|------------|---|-------------|
| Honduras | 18 | 8,598,561 |
| Lebanon | 21 | 5,882,562 |
| Luxembourg | 18 | 520,672 |
| Mexico | 18 | 120,286,655 |
| Nauru | 20 | 9,488 |
| Panama | 18 | 3,608,431 |
| Paraguay | 18 | 6,703,860 |
| Peru | 18 | 30,147,935 |
| Singapore | 21 | 5,567,301 |
| Thailand | 18 | 67,741,401 |
| Uruguay | 18 | 3,332,972 |

Source: CIA World Factbook

Altogether, an estimated 744 million people live in nations with compulsory voting laws.

What these examples show us is that compulsory voting boosts electoral participation which in turn deepens participatory democracy. Countries with mandatory voting have a relatively high voter turnout compared to countries that practice voluntary voting, as illustrated above. South Africa is one such country with a voluntary voting system and voter turnout has marginally dropped since our first democratic election in 1994.

While democracy is loosely defined as a government of the few through a mandate given by many, what we have in South Africa is a government of a large crowd through a mandate given by just a few. It can be argued that the good governance challenge that South Africa faces can also be attributed to the fact that only a few are deciding on behalf of the many. For example only 37% of eligible Britons voted in the now infamous referendum to leave the European Union. Eligible Britons accounted for 46.5 million but only 33.5 million people voted in the referendum (Low, 2016). About 17.4 million people voted to “leave” and 16.1 million people voted to “remain” in the EU.

More than 12 million eligible citizens abstained causing the difference between Leave and Remain to be 1.3 million in favour of Leave. Had the democratic process been that of Australia where voting is compulsory, the polls would be truly indicative of the true desire of all eligible people in Britain. The deadlock that soon ensued following the referendum has more to do with the surprise at the outcome of the vote and the desire of the abstainers to now express their views (Low, 2016).

A case for compulsory voting

Back in South Africa, if democracy is government by the people, presumably this includes all people, then it is every citizen’s responsibility to elect a government.

Compulsory voting will ensure that government will be represented by the majority of the people and not just a few individuals. It is not enough for an electoral outcome to be reflective of the will of only a few who voted. From its ancient origins to our modern inclusive Constitution, democracy was always meant to give effect to the general will of the people as a whole through citizens’ right to vote (Mkhabela 2019).

In my opinion, if we are serious about developing a prosperous state which we all envisaged in 1994 then mass electoral participation is the way to go as this is the lifeblood of a representative democracy. It is my view that the voter apathy that has been shown by South Africa is an insult to all those fallen heroes and heroines who laid down their lives fighting for freedom and the right to vote and decide the future of our country. While a lot has been done by the IEC and civil society organisations to ensure that citizens are informed about their right to participate in democracy this has not yielded desirable results taking into account voter turnout data. Compulsory voting is a better alternative.

Opponents of compulsory voting argue that forcing disenchanted or politically uninformed citizens to vote could lead to votes that are cast with little consideration or voters voting not based on policies. The counter argument to this would be that compulsory voting does not absolve the IEC and community based organisations from conducting targeted voter education programmes as this is still critical. Views in support of compulsory voting suggest that forcing people to vote makes them take up an interest in the political affairs of their country, supporting active citizenship and agency which is necessary to strengthen democracy and development.

Proponents of compulsory voting which was first introduced 127 years ago in Belgium

argue that political parties can derive financial benefits from this system since they do not have to spend resources convincing the electorate that it should in general turn out to vote and that money spent on election campaigns could be better spent elsewhere (IDEA, 2017).

Another added advantage of compulsory voting is that it eliminates vote buying through food parcels or party political t-shirts - there won’t be a need any more for big business to bankroll campaigns of political parties which sometimes results in state capture.

Where citizens are obliged to vote, government systems work better because citizens partake in the responsibility of the government they elected.

Everyone benefits because high voter turnout produces a more legitimate government and a genuine mandate to govern even if an individual’s preferred candidate was not elected to power.

If it is guaranteed that everyone would vote, political parties would stop campaigning based on race and politicians will stop creating campaigns that are only targeted at certain categories or classes of people. There would also be more pressure on politicians to draft manifestos that are realistic. Furthermore if people are obliged to vote in every election they will most likely want to make the most of their vote by researching the political parties thus making the community outreach work of the IEC and voter education by civil society more effective.

To summarise, the advantages and disadvantages of compulsory voting are presented in the table on page 47 (Bargmann, 2016).

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| Advantages | Disadvantages |
|---|---|
| The voter turnout increases in all countries where compulsory voting is in place. | It violates freedom of choice. |
| It works against political apathy because everybody has to form their own opinion. | Not voting can also be a political statement, so a law would prevent this choice. |
| Compulsory voting prevents the influence of the few who participate on the election results of becoming too strong. | Compulsory voting is not a cure to domestic policy crises. |
| It contributes to stability of the government since political apathy and a low voter turnout are threats to democracy | Pursuing non-voters costs money and time. |
| Encourages voters to better educate themselves. If people are obliged to vote in every election, they will most likely want to make the most of their votes by researching more on each political party and thus taking elections more seriously. | |

The conversation about an increasingly declining number of people not voting in South Africa is not high on the agenda although our electoral body, the IEC, and other civil society organisations such as the Electoral Institute for Sustainable Democracy in Africa (EISA) have always published voter turnout statistics after each major election in the country.

The socio-political, economic and historical context of our country demands that we place voter turnout at the centre of our agenda and find a lasting solution to the problem if we are indeed serious about strengthening and deepening democracy.

While some may argue that compulsory voting laws are difficult to enforce, the true aim of the law is to shape behaviour. South

Africa collects billions of rands through tax and penalises those who do not pay tax - the same can be done to those who contravene a mandatory voting law and money generated from these fines can help increase our tax base using the same resources used to prosecute other crimes like shoplifting.

Is it not time we honour our fallen comrades by ensuring that everyone who is eligible to vote votes or faces penalties?

Compulsory voting should not be seen as a punitive measure but a way to make people aware of the elections and policy positions of different political parties so that they can have a say in who governs the country.

Conclusion

Our country has come a long way for people to still believe that their vote does not make a difference. The end of Apartheid brought with it universal suffrage to South Africa, allowing South Africans of all races to take part in the decision making in their country through a vote. "Universal adult suffrage, a national common voter's roll, regular elections and a multi-party system of democratic government" are founding provisions of the 1996 Constitution of South Africa (Section 1(d)).

It is time South Africans wake up to the reality that the war will be won through the ballot and no other place. Violent service delivery protests as a way of expressing citizens' discontent with government delivery have not worked in the past; they have rather left communities poorer and more disadvantaged than ever before.

It is time for civil society organisations, policy makers, academics and decision makers in government to intensify conversations and create more awareness about the increasing low voter turnout that the country is experiencing. **One way to curb this downward trend is through a mandatory voting law.**

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