

# Getting the numbers right: wards and councillors

**T**he Municipal Structures Act 117 of 1998, in accordance with section 157(4) of the Constitution, instructs the Municipal Demarcation Board to delimit all metropolitan municipalities and all local municipalities that should have wards into wards, after consultation with the Electoral Commission (IEC).

This article outlines the Demarcation Board's view on the process to be followed in delimiting the wards, taking into account the various processes, and the relevant authorities responsible for these processes.

## Determination of councillors

The process of delimitation of wards

is linked to the determination of the number of councillors, since section 22(2) of the Structures Act provides that 50 per cent of the metropolitan and local councils with wards will consist of ward councillors. These councillors are elected on the basis of a system of ward representation. The number of councillors will be determined by the MEC according to a formula determined by the Minister for Provincial and Local Government (PLG). This formula must be based on the number of voters in that municipality. The minimum number of councillors is three, and the maximum is 90 for district and local municipalities, and 270 for metropolitan municipalities. The formula may differ according to the category of municipality. Under certain circumstances, the MEC may deviate from that formula to the extent prescribed in section 20(4)).

It follows that the process of ward delimitation is dependent on a number of other processes. Firstly, the

IEC will provide the Minister for PLG with a breakdown of the municipal segment of the voters roll. The Minister and the MECs will then finalise the formulae to be used in determining the number of councillors for each category of municipality.

## Existing arrangements

Both the demarcation of outer boundaries and wards in terms of the 1995/1996 elections were largely undertaken at a provincial level, and while each province operated within the general framework provided by the Local Government Transition Act and Provincial Election Regulations, very different configurations of councils resulted.

Differences presently exist between provinces in terms of the size of municipalities, the average number of seats per municipality and the number of voters per coun-



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cillor (using the number of voters registered for the June 1999 national and provincial elections).

It must be noted that the data provided below is unofficial and that the IEC is tasked with dividing the national voters roll into separate municipal voters' rolls. In addition, the figures on the number of council seats have not been independently verified and should also be considered as 'unofficial'. The Board is, however, confident that the figures are reasonably accurate and the purpose of providing this data in the report is to allow the public to understand better the relative differences between the new municipalities as determined by the Board.

A comparison of the average number of registered voters and average number of seats in each of the transitional municipalities shows that substantial variations exist. For example, rural councils in the Northern Cape have, on average, less than 2000 voters, while rural councils in the Northern Province have on average 4000 voters. The urban councils also vary significantly across provinces with Gauteng having very large TLCs (average close to 90 000) and Western Cape (average 5 331) and Northern Cape (average 4 745) having very small TLCs. TLCs in Gauteng have an average of 19 seats while TLCs in the Western Cape have an average of 10 seats.

Similar variations exist between provinces in the number of councillors per registered voter. If one compares the average number of registered voters per councillors between the provinces, the conclusion is that –

- in the Eastern Cape, Western Cape, KwaZulu-Natal and the Northern Cape, over 50% of the councils have less than 500 voters per councillors;
- in the Free State and North-West, over 50% of the councils have

between 500 and 1000 voters per councillor;

- in Gauteng and Mpumalanga, over 50% of the councils have between 1000 and 2000 voters per councillor; and
- in the Northern Province, over 50% of the councils have over 2000 voters per councillor.

The distribution of municipalities in terms of their size (as measured by number of registered voters) is also fairly skewed. Over 50% of the existing municipalities have fewer than 5 000 voters while at the other extreme 12 Remaining Areas contain over 2.5 million voters.

While broad national guidelines were determined for council sizes during the transitional period, fairly significant differences exist between provinces in terms of the number of councillors (as measured by the number of council seats) in each of the different municipal areas.

If one were to look at the average number of seats per municipal area, irrespective of the size of municipalities, similar differences become evident. The Free State, for example, generally has more councillors compared with provinces like Gauteng and the Northern Province.

It is clear that no general formula presently exists in South Africa which could provide a useful starting point for the debate over the number of councillors and, by implication, the number of wards.

## Delimitation process

In broad terms the following steps are required to implement the legislation dealing with ward delimitation:

The IEC informs the Minister of the number of voters on each municipal segment of the national common voters roll.

Once the Demarcation Board makes available to the IEC the shape files for the new municipal boundaries, preliminary figures for registered voters can be provided by the IEC to the Minister. These prelimi-



nary figures have been provided to the Minister, and the IEC will formally hand over the verified data after the finalisation of all boundaries on 17 March. It should be noted that while the IEC will finalise registration only in August, the Minister and the Board will focus on using current registration figures to determine wards.

The Minister must publish a formula (or different formulae for the different categories of municipalities) on the number of councillors of municipal councils.

The Board believes the Minister would be able to publish a final set of formulae by the end of March.

The MECs must decide on a deviation from the formula or formulae and determine the number of councillors by notice in the Provincial Gazette.

It is hoped that MECs would be able to finalise such deviations (if any) early in April.

Based on the determination by MECs, a calculation must be made on the number of wards to ensure that the number of wards is equal to 50% of the number of councillors. This would be done immediately the formulae are available.

The Board must determine a norm by dividing the total number of registered voters by the number of wards to ensure that each ward has

approximately the same number of voters.

This would be done immediately the formulae are available.

The Board must delimit each municipality with 7 or more councillors into wards with approximately the same number of voters.

The Board must take the following criteria into account:

- The number of registered voters in each ward may not vary more than 15% from the above mentioned norm.
- Fragmentation of communities must be avoided for as far as possible.
- The object of a ward committee is to enhance participatory democracy in local government.
- The availability and location of a suitable place or places for voting and counting, if appropriate, taking into consideration –
  - communication and accessibility;
  - density of population;
  - topography and physical characteristics; and
  - the number of people entitled to vote within the required time-frame.
- The safety and security of voters and election material.
- Identifiable ward boundaries.

The Board must publish its delimita-

tion of wards for each municipality in the Provincial Gazette and allow 14 days for objections. The Board must consider these objections and confirm, vary or withdraw its determinations.

The Board will publish draft ward boundaries on 10 April. Between 12 and 24 April, public hearings will be held and on 2 May the wards will be finalised, published for objections and then (if necessary) varied.

The Board must consult the IEC.

While this would be ongoing, the formal consultation will occur in late May as each of the wards is finalised.

### The newly demarcated areas

The Municipal Demarcation Board has determined that South Africa will be divided into:

- 6 (A category) metropolitan municipalities;
- 46 (C category) District municipalities;
- 232 Local (B category) municipalities; and
- District Management Areas in 14 of the District Municipalities.

Table 1 indicates the relative sizes of each of the Category A and B municipalities by indicating the average number of registered voters and

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**Table 1** Size of the new local municipalities and metros.

Municipal Sizes	Number of Registered Voters	Number of Municipalities	Average Registered Voters	Average Registered Per Seat	Minimum Registered Per Seat	Maximum Registered Per Seat
<b>Local Municipalities:</b>						
0-9999 Voters	156 420	27	5 793	693	106	5 664
10000-19999 voters	712 946	47	15 169	671	221	2 534
20000-29999 voters	1 076 797	43	25 041	1 205	210	4 502
30000-49999 voters	1 282 245	34	37 713	2 070	526	10 787
50000-74999 voters	2 162 718	36	60 075	1 945	747	5 470
75000-99999 voters	1 845 728	21	87 891	2 278	1 089	5 260
100000-149999 voters	1 793 986	15	119 599	2 875	1 326	5 491
Over 150000 voters	2 611 000	12	217 583	3 735	1 692	12 588
<b>Port Elizabeth</b>	<b>473 161</b>			<b>4 224</b>		
<b>Pretoria</b>	<b>854 404</b>			<b>4 426</b>		
<b>East Rand</b>	<b>1 142 209</b>			<b>5 465</b>		
<b>Cape Town</b>	<b>1 219 401</b>			<b>4 418</b>		
<b>Durban</b>	<b>1 229 540</b>			<b>3 737</b>		
<b>Johannesburg</b>	<b>1 557 900</b>			<b>6 803</b>		
<b>DMA's</b>	<b>36 242</b>	<b>14</b>	<b>2 588</b>	<b>1 165</b>	<b>1</b>	<b>4 589</b>
<b>Grand Total</b>	<b>18 154 697</b>	<b>255</b>	<b>71 194</b>	<b>1 661</b>	<b>1</b>	<b>12588</b>



**Table 2**

<b>Metropolitan Area</b>	<b>Seats</b>	<b>Registered Voters</b>	<b>Registered per seat</b>
Port Elizabeth	112	473 161	4224
Pretoria	193	854 404	4426
East Rand	209	1 142 209	5465
Cape Town	276	1 219 401	4418
Durban	329	1 229 540	3737
Johannesburg	229	1 557 900	6803
	1 348	6 476 615	

approximately how many councillors are presently serving in local government structures within each area. Please note that these figures are approximate.

Examples of possible formulae to be used in the determination of the number of councillors are:

- straight-line or linear – where there is a direct relationship between the number of councillors and the number of registered voters. This would mean that the Minister would publish a formula indicating how many voters there are per councillor and that would be applied to the total number of voters.
- non-linear – where the relationship between the number of councillors and the number of registered voters is non-linear (it could be curved, stepped or combinations of these).

It is more than likely that the formulae should be different depending on whether councillors (or particular categories of councillors) are classified as full-time or part-time.

In metropolitan areas, the Structures Act does not allow for more than 270 councillors. The present arrangement of registered voters in each metropolitan area is indicated in Table 2.

This table clearly indicates present differences between metropolitan areas.

It is clear that the municipalities, which cover a larger area given the structure of population densities (Durban and Cape Town), are likely to have the greatest reduction in the number of councillors if a maximum-linear model is chosen to determine the number of councillors for metropolitan areas.

In determining the formula for district councils, the Minister will have to bear in mind the large range between the smallest (24 328 voters) and the largest (712 207 voters) district councils (see Table 3). A non-linear formula is

likely to best serve the interests of fair and equitable representation.

Similar determinants would have to be taken into account in finalising a formula for the local municipalities.

**Table 3**

<b>Size</b>	<b>No. of District Councils</b>
Less than 100000 voters	9
100001-200000 voters	10
200001-300000 voters	11
300001-400000 voters	10
400001-500000 voters	4
500001-600000 voters	1
Over 700000 voters	1