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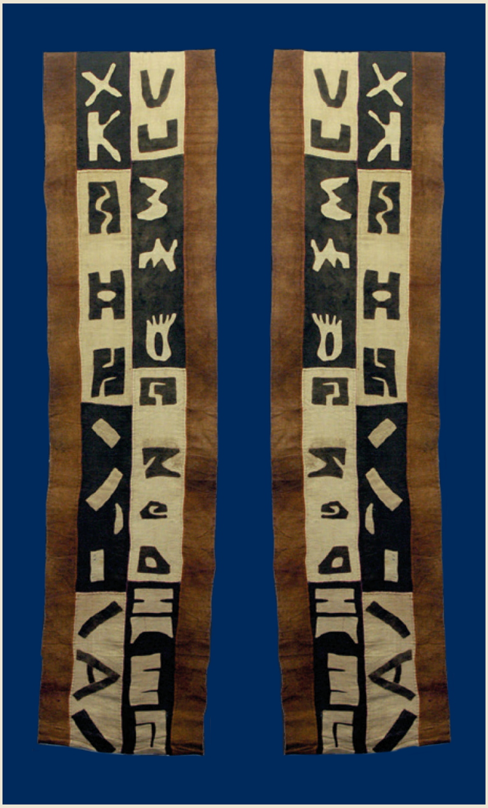
Special Issue: Sustaining Multi-Party Democracy through Enhancing Political Funding in South Africa



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Special Issue:

Sustaining Multi-party Democracy through Enhancing Political Funding in South Africa

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This special issue is also published in recognition of the 30-year anniversary of the Electoral Institute for Sustainable Democracy in Africa (EISA). The Journal marks this milestone by acknowledging EISA's three decades of sustained contribution to democratic governance, electoral integrity, and rigorous electoral scholarship on the continent. It further recognises the enduring partnership and collaborative engagement between EISA and the IEC, whose cooperation over the decades has significantly strengthened electoral practice, policy dialogue, and research in South Africa and the broader African region.

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THEORIES AND MODELS OF PARTY FUNDING

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ABSTRACT

Political party funding occupies a pivotal position in the democratisation process globally, particularly in the Global South, and especially in Africa. It plays a critical role in shaping the organisation of political competition. Yet it also poses risks of inequality, state capture, and corruption. In this article, we analyse party funding as a regime-dependent political process. Our central thesis is that the design, operation, and effects of party finance systems must be understood within the broader political context, particularly in terms of regime typologies. The study follows a qualitative methodology based on desk research. We collected and analysed secondary data from published works and online sources. While cognisant of a multiplicity of regime-typology frameworks, we utilise two, namely, the Economist Intelligence Unit's Democracy Index and the Varieties of Democracy (V-Dem) project. Our analysis situates African political regimes along a democracy–autocracy continuum. We examine how variations in regimes and their accountability can shape incentives for party funding as well as outcomes. The study is anchored in two analytically contrasting theories, public goods theory and clientelist theory. These theories illuminate contrasting logics of political finance under different regime typologies. Using the selected frameworks, we assess five major party funding models as politically embedded arrangements rather than neutral institutional choices.

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Keywords: Political party funding, political finance, regime types, public goods theory, clientelist theory.

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INTRODUCTION

Political parties occupy a central position in representative democracy. They are the principal vehicles for interest aggregation, interest articulation, political mobilisation, political education, and leadership development (Heywood, 2013; Matlosa, 2007). Parties' abilities to discharge these roles depends primarily on the level of their institutional capacity, which, in turn, requires access to various resources, including financing. However, party financing is a double-edged sword. On the one hand, it can be an asset to advance democratisation under conducive conditions. On the other, it can become a liability that corrodes multi-party democracy under unfavourable conditions. The conditions in question are circumscribed by the nature of a regime in power.

Given favourable political conditions, party financing sustains day-to-day administration and outreach. It is indispensable for electioneering, policy development, and continuous linkage with citizens throughout the electoral cycle (Ashiagbor, 2005; Scarrow, 2007; Nassmacher, 2009). As Ashiagbor (2005, p. 5) noted, parties 'need money: to mobilise supporters during campaigns and in between elections; establish and maintain party offices and administrative structures; conduct issue and policy research; and communicate with members and the public.' Party funding is therefore not a peripheral technical matter. It shapes the organisational viability of parties and, by extension, the democratic quality of electoral competition.

Under unfavourable conditions, party funding is a recurring site of democratic vulnerability. Where rules are weakly designed or poorly enforced, political finance can facilitate undue influence, policy or state capture, corruption, and the entrenchment of incumbency, thereby corroding public trust in institutions (Pinto-Duschinsky, 2002; Transparency International, 2024). Comparative political finance scholarship shows that rising campaign costs and declining membership-based resources have increased parties' dependence on large donors and state resources. This reality raises concerns about inequality in political influence and the integrity of electoral competition (Scarrow, 2007; Nassmacher, 2009; Norris & van Es, 2016). In African contexts, these risks often intersect with weak oversight, uneven regulatory enforcement, neo-patrimonialism, and the politicisation of state resources. Overall, party finance is central to broader debates on democratic consolidation and institutional accountability (Bratton & van de Walle, 1994; Matlosa, 2007; Ahmed & Salih, 2003).

In this article, we analyse party funding as a regime-dependent political process. We demonstrate how variations in democratic quality shape incentives, funding sources, and regulatory outcomes. To operationalise this conceptualisation, we situate African countries within the regime classifications developed by the Economist Intelligence Unit's (EIU) Democracy Index 2024 and the Varieties of Democracy (V-Dem) project. We recognise that some variations exist regarding the conceptualisations and measurements in these two frameworks, which can generate disparities between their classifications (Economist Intelligence Unit, 2025; Nord et al., 2025).

The paper is organised into eight sections. The next section outlines the methodology we used to ideate and craft this article; we employed a qualitative method and drew on desk and document analysis. The third section delves into regime typologies and classifications in Africa. While recognising a plethora of regime typology assessment frameworks, we highlight just two, namely the EIU Democracy Index and V-Dem. The significance of this section is that party funding theories and models resonate with the specific regime in a given country.

The fourth section focuses on party funding theories. Although there are about six theories, we again examine only two, which are polar opposites, namely, public goods theory and clientelist theory. The fifth section discusses specific party funding models (public, private, mixed/hybrid, grassroots/membership-based, and illicit). The sixth section interrogates the interplay between party funding theories, regime typologies, and party funding models. In section seven, we make the case for party funding reforms, arguing that party funding – like democracy itself – is always a work in progress. Regular reforms are required if funding is to be an asset rather than a liability in terms of boosting democratisation and political stability.

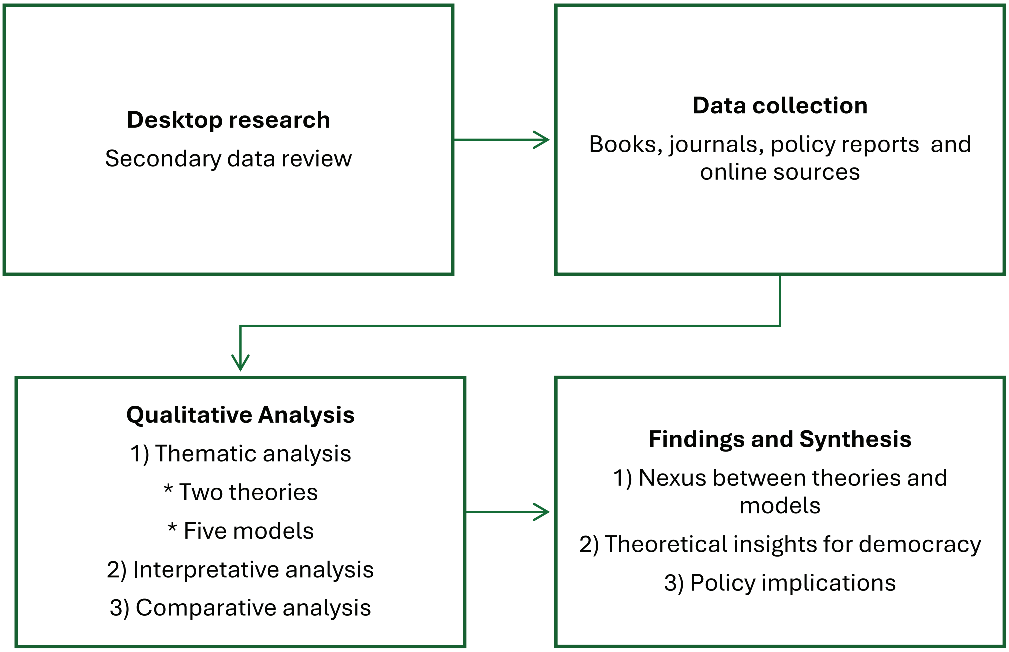
METHODOLOGY

This study adopts a qualitative, theory-driven desk research design aimed at addressing two linked research questions. The first question is 'How does regime type shape the incentives and constraints that structure party funding regulation and implementation?' The second is 'Which party funding models are most compatible with specific regime conditions, and why do particular models generate predictable distortions when they 'travel' across regimes?'

We present a comparative analytical framework that we developed to support predictions about expected party funding outcomes under different regime conditions. The analysis is based on a structured review of secondary sources, including scholarly books and peer-reviewed journal articles on political finance, democratisation, and party organisation. We also reviewed policy reports and institutional handbooks. Literature identification was combined with keyword-based searches and targeted author or institution tracing, using Google Scholar and ChatGPT 5.2 as a search-term expansion. Search terms included 'political parties', 'party funding', 'political finance', 'party funding theories', 'party funding models', 'campaign finance regulation', and 'party finance reforms'. The search resulted in 85 books, reports, and articles that we examined.

Analytically, the study applies an interpretive and comparative strategy. Desk research was well suited for the paper's purpose, as the topic under investigation offers abundant data. However, the methodology required substantial time to filter data and control for potential bias. The methodology is illustrated in Figure 1.

Figure 1. Methodological Framework: Political Party Funding Study



Source: Authors' compilation

REGIME TYPOLOGIES

Globally, various frameworks exist to measure and classify regimes along a democracy–autocracy continuum. The five most widely used in academic and policy discourse are as follows:

(1) The Varieties of Democracy (V-Dem) Project, called Regimes of the World, developed by the V-Dem Institute at the University of Gothenburg, Sweden. It classifies regimes into four categories: liberal democracies, electoral democracies, electoral autocracies, and closed autocracies.
(2) The EIU Democracy Index. It categorises regimes into four clusters: full, flawed, hybrid, and authoritarian regimes.
(3) Freedom House's Freedom in the World report. It measures the state of human rights in the world, with a focus on political rights and civil liberties. Countries are classified into three categories: free, partly free, and not free.
(4) Polity data series (Polity V). It measures regimes against a three-pronged scale, namely democracies, anocracies, and autocracies.
(5) The International Institute for Democracy and Electoral Assistance's (IDEA) Global State of Democracy report. It provides a three-tiered measurement and classification of countries into democracies, hybrid regimes, and authoritarian regimes.

We employed the first two regime typology frameworks, namely V-Dem Regimes of the World and the EIU Democracy Index. We focused on these two classifications to situate African political systems along a democracy–autocracy continuum, as shown in Table 1. Unlike other frameworks, EIU and V-Dem both propose four-pronged classification systems, although their nomenclatures differ. As Table 1 on the next page illustrates, the categories of the two frameworks are comparable, despite some misalignments.

The EIU employs a fourfold typology based on aggregated scores across the following aspects: electoral process and pluralism, civil liberties, political culture, political participation, and institutional performance (EIU, 2025). Similarly, V-Dem adopts a multidimensional approach based on disaggregated expert-coded indicators, which capture both formal institutions and their practical operations (Nord et al., 2025). These methodological differences produce classification disparities, but such variation reflects divergent conceptual emphases, not measurement error. Accordingly, for our analytic purposes, we treat the regime categories as heuristic tools rather than definitive labels.

Table 1. Regime Classification in Africa

EIU Regime type	**V-Dem Regime type**	**EIU Country examples**	**V-Dem Country examples**	**EIU Measurement** Democracy Index	**V-Dem Measurement**
Full Democracy	Liberal Democracies	Mauritius	Seychelles	Score 8.01–10.00. Strong electoral integrity, civil liberties, institutional checks, and democratic political culture.	Liberal Democracy Index (LDI). High score; electoral democracy plus strong liberal constraints.
Flawed Democracy	Electoral Democracies	Cabo Verde; Botswana; Namibia; São Tomé and Príncipe; Seychelles; South Africa; Ghana; Lesotho	Botswana; Gambia; Ghana; Lesotho; Liberia; Malawi; São Tomé and Príncipe; Senegal; Kenya; Namibia; Nigeria; South Africa	Score 6.01–8.00. Free elections with weaknesses in governance, participation, or civil liberties.	Electoral Democracy Index (EDI). High score, but weaker liberal components.
Hybrid Regime	Electoral Autocracies	Senegal; Malawi; Zambia; Liberia; Madagascar; Tanzania; Kenya; Morocco; Tunisia; Uganda; Gambia; Benin; Sierra Leone; Côte d'Ivoire; Nigeria; Angola	Mauritius; Benin; Algeria; Angola; Burundi; Cameroon; Chad; Comoros; Congo (Rep.); DR Congo; Djibouti; Egypt; Equatorial Guinea; Ethiopia; Guinea-Bissau; Madagascar; Mauritania; Sierra Leone; Tanzania; Tunisia; Uganda; Zimbabwe Zambia	Score 4.01–6.00. Elections exist but are undermined by irregularities, weak rule of law, and constrained opposition.	Elections occur but fail to meet the minimum standards of fairness and competiti-veness.

Authoritarian Regime	Closed Autocracies	Mauritania; Algeria; Mozambique; Rwanda; Ethiopia; Togo; Zimbabwe; Congo (Rep.); Egypt; Djibouti; Eswatini; Cameroon; Burkina Faso; Mali; Libya; Niger; Gabon; Burundi; Guinea; Guinea-Bissau; Eritrea; DR Congo; Equatorial Guinea; Chad; Comoros; Sudan; Central African Republic	Burkina Faso; Eritrea; Eswatini; Gabon; Guinea; Libya; Mali; Morocco; Niger; Somalia; South Sudan	Score 0.00–4.00. Absence of meaningful pluralism, severe restrictions on civil liberties, and executive dominance.	No meaningful multiparty elections for executive power.

Sources: EIU, 2025 (p.67–68); Nord et al., 2025 (p. 14)

Matlosa (2017) warned that many African regimes defy neat categorisation. These regimes often combine electoral competition with elite dominance, weak enforcement, and patronage politics. A recent conceptual critique similarly warned that hybrid labels, such as 'electoral autocracy', risk obscuring important regime differences and exaggerating categorical precision (del Río, 2022). We used the EIU and V-Dem classifications instrumentally to provide a structured comparative context for analysing party funding dynamics. Our aim was not to judge democratic legitimacy. Employing both indices allowed for triangulation between stable regime categories and sensitive measures of institutional change.

Table 1 above reveals interesting dynamics highlighting the vicissitudes of democratisation in Africa. First, only Mauritius is classified as a full democracy by EIU, and only Seychelles is classified as a liberal democracy by V-Dem. Second, EIU ranks eight countries as flawed democracies (Cabo Verde, Botswana, Namibia, São Tomé and Príncipe, Seychelles, South Africa, Ghana, and Lesotho). Comparatively, V-Dem classifies several countries as electoral democracies (Botswana, The Gambia, Ghana, Lesotho, Liberia, Malawi, São Tomé and Príncipe, Senegal, Kenya, Namibia, Nigeria, and South Africa).

Third, most African countries are classified by the EIU as hybrid regimes or electoral autocracies. This trend confirms the thesis that the global democratic recession that began in the early 2000s has pushed many countries toward hybridity rather than full-blown autocracy (see Diamond, 2022; James et al. 2023; Matlosa, 2023). Fourth, EIU classifies many countries as authoritarian regimes, whereas V-Dem classifies relatively fewer as closed autocracies. Given the democratic backsliding in Africa, especially since the 2020s – marked inter alia by unconstitutional changes of governments – more African countries may in the future become EIU authoritarian regimes or V-Dem closed autocracies (Bermeo, 2016). The militarisation that has manifested since 2019 in the Sahel region, including Guinea, Burkina Faso, Niger, and Mali, is a harbinger of this accelerated autocratisation. There will be dire consequences for party funding. In the next section, we shift our focus to that topic.

PARTY FUNDING THEORIES

The six main theories for understanding the political dynamics surrounding party funding are pluralist theory, elite theory, public goods theory, clientelist theory, institutional theory, and rational choice theory. Given its scope, this article does not cover all those theories. We examine two diametrically opposed perspectives, namely, public goods theory and clientelist theory.

The literature suggests that party funding systems cannot be understood in isolation from the political and institutional contexts in which they evolve and operate (Nassmacher, 2009; Scarrow, 2007; Norris & van Es, 2016). Funding arrangements reflect underlying assumptions about political competition, accountability, and the role of parties in governance, whether democratic or autocratic. Building on these insights, we develop a framework for analysing party funding as a regime-dependent political process rather than a benign administrative or technical one. Accordingly, this section discusses the two most relevant theoretical perspectives. First, public goods theory provides the dominant justification for public regulation and state support of political parties in democratic multiparty systems. Second, clientelist theory provides a countervailing epistemological logic. It foregrounds selective exchange, distributive politics, and uneven accountability, features typically associated with hybrid or autocratic regimes (Scott, 1972; Wantchekon, 2003; Keefer, 2007).

Public Goods Theory

Public goods theory provides the dominant normative and analytical justification for public regulation and state support of political parties in democratic countries. At its core, the theory concerns the collective action problem inherent in the provision of goods whose benefits are shared but whose costs are borne individually. Samuelson's (1954) classical formulation defined public goods as non-rivalrous and non-excludable. Olson (1965) demonstrated that large groups are structurally disadvantaged in producing such goods voluntarily, owing to rational free-riding. In political systems, this logic translates into a persistent tendency to under-provide collective democratic goods in the absence of coordinated institutional support.

Dahl (1961) extended this logic to democratic governance. He argued that competitive party systems, electoral accountability and pluralistic representation generate collective benefits that accrue to citizens regardless of their direct participation in party organisations. Hence, political parties function not merely as private associations but also as institutional carriers of democratic public goods. Goods include representation, accountability, political mobilisation, and peaceful alternation of power (Ahmed & Salih, 2003). If parties are weak, under-resourced, or captured by narrow interests, these collective democratic goods are undermined.

In full or liberal democracies, public goods theory provides a coherent justification for public funding and regulation of political parties as institutional mechanisms designed to safeguard democratic competition. As van Biezen (2003) demonstrated, declining party membership and rising campaign costs render traditional forms of party financing unsustainable, exposing parties to dependence on wealthy donors and special interests. In response, public subsidies, spending limits, and disclosure requirements have emerged as institutional correctives aimed at preserving the collective benefits of electoral competition (Nassmacher, 2009; Scarrow, 2007; Ewing & Issacharoff, 2006). In such contexts, public funding is treated not as discretionary patronage but as a democratic investment in political pluralism.

The above logic plays out well in full/liberal systems such as Seychelles, where public funding systems have been introduced to stabilise party systems, limit illicit finance, and reduce excessive dependence on private donors (Hatchard, 1993). South Africa is an example of a flawed or electoral democracy. In this country, the *Political Party Funding Act* institutionalises a public funding regime that combines proportional and equitable allocations, justified in terms of democratic fairness, transparency, and political inclusion (Matlosa, 2004; Electoral Commission of South Africa & Human Sciences Research Council [IEC/HSRC], 2025).

International IDEA synthesises institutional rationales into the following three core objectives: 1) preventing illicit financing, 2) levelling the electoral playing field, and 3) enabling parties to meet the rising costs of political competition (Falguera et al., 2014). Each objective corresponds to a collective action problem identified in public goods theory. If unaddressed, party finance systems tend to become conduits for unequal influence, policy capture, and informal resource mobilisation (Pinto-Duschinsky, 2002; Matlosa, 2004).

However, the explanatory power of public goods theory is conditioned by regime type and institutional capacity. In flawed and electoral democracies, public funding may formally exist but operate under conditions of weak enforcement, politicised oversight, and neopatrimonial political cultures. As Bratton and van de Walle (1994) stated, many African regimes combine electoral competition with personalised power relations, patronage networks, and discretionary authority. In such contexts, public funding is vulnerable to selective enforcement and political manipulation, mutating from a democratic corrective to a mechanism of incumbency entrenchment.

This distortion is captured by Katz and Mair's (1995) cartel party thesis. These authors warned that public subsidies can stabilise party systems while insulating political elites from societal pressure. Similarly, van Biezen and Kopecký (2014) showed that extensive state support may weaken the incentives for parties to cultivate membership and civic engagement. In Africa's flawed and electoral democracies, these dynamics are evident when allocation formulas tied to parliamentary representation benefit dominant parties and regulatory institutions lack the autonomy to sanction such abuse. Public funding then reproduces political inequality rather than correcting it.

Public goods theory is therefore most relevant to regime conditions characterised by meaningful electoral competition, credible risks of alternation in power, strong regulatory capacity, and institutional independence (Norris & van Es, 2016; Falguera et al., 2014). Where these conditions are absent – as in hybrid regimes (e.g., Angola, Nigeria, and Malawi) and electoral autocracies (e.g., Cameroon, Uganda, and Zimbabwe) – the theory loses its explanatory traction. Public funding systems may exist in law, but they are absorbed into clientelist and neopatrimonial political logics and end up serving regime maintenance rather than democratic competition. In authoritarian or closed autocracies (e.g., Gabon, Eritrea, Mali, and Eswatini), the benefits of party funding accrue only to the regime or ruling party; again, party funding as a public good loses its meaning and value.

We employ the analytical lens of public goods theory while acknowledging the theory as a normative model whose relevance depends on the regime being studied. The theory helps to explain why public funding and regulation perform their intended democratic functions in full and flawed democracies yet become distorted or instrumentalised in hybrid and authoritarian regimes. In this sense, party funding systems can serve as a diagnostic indicator of democratic quality. Where public goods logics fail, one could assume poor democratic quality; where it succeeds, democratic consolidation is probably at play.

Clientelist Theory

Clientelist theory provides a more context-sensitive lens for explaining party funding dynamics in flawed democracies, hybrid regimes and electoral autocracies, and closed autocracies. In these contexts, political competition often rests less on programmatic appeals and more on selective exchange, patronage, and discretionary control of resources (Bratton & van de Walle, 1994). Where public goods theory treats party finance as a collective investment in democratic competition, clientelism focuses instead on how money is mobilised and deployed to secure loyalty, manage elite coalitions, and convert resources into political support under conditions of weak accountability.

In its classical formulation, clientelism is a mode of political exchange characterised by personalised, hierarchical, and reciprocal relationships through which material benefits are traded for political support (Bratton & van de Walle, 1994). Scott (1972) conceptualised clientelism as a system of patron–client ties in which political loyalty is secured through selective benefits, such as cash, jobs, contracts, or protection. These benefits are delivered through discretionary authority, typically under conditions of inequality and weak institutional mediation. In party politics, funding is prized not for sustaining organisational capacity or policy development, but rather for its usefulness in financing machines, brokers, and targeted inducements that can be monitored and rewarded (Bratton & van de Walle, 1994).

The relevance of this lens becomes clear regarding the regime typologies discussed earlier. In closed autocracies, clientelism is oriented less toward persuading voters through credible policy promises and more toward maintaining elite cohesion and regime survival through rents, patronage, and coercive advantage (Bratton & van de Walle, 1994). In Cameroon, for example, electoral management lacks institutional independence. The dominant-party system enables incumbents to exercise discretion over appointments and state resources, with weak accountability constraints. The ruling Cameroon People's Democratic Movement can convert public resources and administrative power into partisan advantage, including through patronage-based mobilisation and the distribution of material benefits during election periods (Freedom House, 2024; Bertelsmann Stiftung, 2024a).

Zimbabwe reflects similar dynamics. Governance assessments point to an uneven electoral field, where the Zimbabwe African National Union – Patriotic

Front (ZANU–PF) benefits from state-resource dominance and a coercive environment that undermines accountability. The persistence of clientelist finance is reinforced by patterns of impunity, including allegations that involve politically connected elites, where prosecution is delayed, stalled, or unevenly applied. These issues weaken deterrence and sustain rent-based political competition (Bertelsmann Stiftung, 2024b).

Burundi exhibits a striking neopatrimonial pattern. The ruling Conseil National pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD–FDD) and security-sector actors have been repeatedly implicated in large-scale capture of public resources and trading in influence. Ordinary citizens face coercive extraction and administrative corruption (Prusa, 2024). An example was the 2020 election financing scheme, in which authorities deducted funds from civil servants' salaries, and local officials and ruling-party youth structures extorted 'donations'. Access to basic services was sometimes conditioned on the proof of payment, illustrating coercive resource mobilisation that advantaged the incumbent party (Prusa, 2024). Preferential access to foreign currency and state contracts is given to well-connected elites, with systematic impunity, and anti-corruption bodies are weakened or reorganised. High-profile cases are handled opaquely, and suspects may be quietly compelled to return funds, without meaningful sanctions (Prusa, 2024). Together, these mechanisms of coercive extraction, discretionary allocation of rents, and selective enforcement reflect neopatrimonial governance. Public resources and institutions are instrumentalised to sustain loyalty, elite cohesion, and electoral dominance (Prusa, 2024).

African political finance contexts often exhibit these enabling conditions precisely. Bratton and van de Walle's (1994) analysis of neopatrimonialism highlighted how formal electoral institutions coexist with personalised power relations and patronage, generating incentives for parties to mobilise resources through selective distribution rather than programmatic competition. Similarly, van de Walle (2003) underscored how clientelist strategies are especially salient in emerging party systems where presidents or dominant elites command state resources and distribute them through partisan and personal networks.

Matlosa (2007) extended this diagnosis to party systems in Southern Africa. His work showed how weak institutionalisation and leader-centred party organisation often intensify dependence on private patrons, access to state resources, and informal financial flows. These are all conditions that make clientelist finance strategically attractive. Comparative studies emphasise that where enforcement and disclosure are weak, private finance can readily translate economic power into political influence, reinforcing elite capture and undermining accountability (Pinto-Duschinsky, 2002; McMenamin, 2012). This logic is evident in African contexts where 'godfather' politics and elite sponsorship prevail, such as several West African countries. These dynamics shape party competition through finance-backed patronage networks (Matlosa, 2007). Party finance thus becomes a mechanism for bargaining over access to state resources, rather than a means of funding programmatic competition.

Clientelist theory also illuminates why vote-buying and broker-mediated mobilisation remain resilient under poverty and inequality. Nichter (2008) distinguished strategies for purchasing votes versus strategies for purchasing turnout. His work demonstrated how parties invest resources to secure observable compliance in competitive environments. Wantchekon's (2003) evidence from Benin indicated that clientelist appeals can outperform programmatic appeals if voters doubt the credibility of broad promises, or when immediate material benefits carry greater weight. Keefer (2007) connected these dynamics to state capacity and credibility. Where governments cannot credibly commit to universal public goods, politicians turn to selective benefits delivered through intermediaries as a more reliable strategy of political mobilisation.

Clientelist theory sharpens the understanding of public funding under weak accountability. Where oversight bodies lack autonomy and enforcement capacity is uneven, public subsidies may be absorbed into patronage networks to reinforce incumbency instead of levelling the playing field. This idea is consistent with the broader neopatrimonial argument that public resources are often appropriated and redistributed through partisan channels, producing formal multi-party competition, yet without substantive democratic accountability (Bratton & van de Walle, 1994; van de Walle, 2003). In such settings, public funding does not displace clientelism but merely becomes an additional resource for it.

We employ clientelist theory as a regime-contingent analytical lens to explain why party funding practices in flawed democracies, hybrid regimes, and closed autocracies tend to prioritise liquidity, discretion, and selective distribution. The theory helps to explain why reforms centred on transparency and compliance often underperform in settings with weak accountability structures. Conceptually, the theory complements public goods theory. Clientelism clarifies that the key issue is not simply the presence or absence of funding rules but the political logic governing how money is raised, controlled, and deployed under varying regime conditions. As the second half of this paper will demonstrate, party finance systems are best understood as politically embedded arrangements that reveal the operative accountability structures of a given regime, and, by extension, its democratic quality.

PARTY FUNDING MODELS

Political parties across the world mobilise resources through different funding models. These models are shaped by historical experiences, institutional frameworks, and regulatory environments. We consider the following five models of political party funding: private, public, mixed, grassroots, and illicit.

Public Funding

Public funding refers to direct financial transfers or indirect support provided by the state to political parties through enabling legislation. Subsidies may take the following forms: proportional allocations tied to votes or seats won; equal allocations to all registered parties; matching funds that mirror private donations; reimbursements of documented campaign expenses; and in-kind support, such as free media time or office space (Pinto-Duschinsky, 2002; Scarrow, 2007; Ohman, 2012). The rationale is that parties provide collective democratic goods, such as representation, accountability, and political mobilisation; therefore, the parties deserve support from the public purse (Nassmacher, 2009; Catt et al., 2014).

Comparative evidence illustrates the diversity of this model. In South Africa, for instance, two-thirds of party funding is allocated proportionally, according to the number of seats each party occupies in the National Assembly and provincial legislatures; the other third is distributed equally among all represented parties (Matlosa, 2004; IEC/HSRC, 2025). Equal allocation systems, by contrast, support all legally registered parties. Critics argue they waste funds on non-viable contenders (Scarrow, 2007).

Matching systems in several Western democracies encourage grassroots mobilisation by rewarding small donations with public top-ups. Reimbursement systems tie funding to actual expenditures, verified by electoral authorities (van Biezen & Kopecký, 2014; Pinto-Duschinsky, 2002). Where institutions are robust, public funding has curbed illegal finance and promoted programmatic competition, as in Finland and Costa Rica (van Biezen & Kopecký, 2014; Scarrow, 2007). In many African countries, however, weak oversight and seat-based formulas have entrenched ruling parties rather than fostered pluralism (Matlosa, 2004; Catt et al., 2014; Kyei-Poakwah et al., 2024).

Private Funding

The private funding model relies primarily on voluntary contributions from individuals, corporations, trade unions, and other non-state actors, as well as party-owned businesses, fundraising events, or merchandising activities (Scarrow, 2014; Smilov & Toplak, 2007; Pinto-Duschinsky, 2002; McMenamin, 2012). Some scholars have argued that private finance strengthens the organic link between parties and their constituencies, which reinforces pluralism and responsiveness (Ewing, 2007; Scarrow, 2016; Fisher, 2023; Pildes, 2020).

Types of private funding include individual contributions, corporate donations, trade union support, and event-based fundraising. Each type has distinct implications. Individual donations can enhance citizen engagement, but large donors may dominate. Corporate contributions provide substantial resources but risk policy capture. Trade union funding supports worker representation, whereas membership fees can strengthen party–member ties but generate limited revenue (Scarrow, 2014; Smilov & Toplak, 2007; McMenamin, 2012).

The regulatory environment is decisive. In the United States, strong disclosure rules and limits on donations coexist with minimal public subsidies (Pinto-Duschinsky, 2002). In the United Kingdom, large private donations are permitted, but campaign expenditures are capped (Fisher, 2023; Ewing, 2007). In many African contexts, however, weak regulation results in opaque financing, clientelism, and elite capture (Matlosa, 2004; Ohman, 2012). While private funding promotes flexibility, it is vulnerable to corruption in the absence of strong oversight.

Mixed or Hybrid Funding

Hybrid systems combine public subsidies with private contributions, seeking to balance the equity advantages of public funding with the flexibility of private finance (Scarrow, 2007; Ohman, 2012). This approach is common in Europe. For example, Germany and the Netherlands provide state subsidies linked to electoral performance, while permitting private donations that are subject to disclosure requirements (van Biezen & Kopecký, 2014; Pinto-Duschinsky, 2002).

In theory, the hybrid model reduces overreliance on any one source, spreading risks and preventing capture by state elites or wealthy donors (Nassmacher, 2009; Catt et al., 2014). In many African states, the hybrid model exists only on paper and is undermined by weak enforcement, opaque disclosure, and the abuse of state resources (Matlosa, 2004; Ohman, 2012).

Scholars warn that the hybrid model can produce the worst of both worlds, where incumbents exploit subsidies and private donors continue to capture policy influence (Katz & Mair, 1995; Norris & van Es, 2016). Administrative burdens also complicate the hybrid model, as it requires independent and well-resourced oversight institutions to monitor compliance (Ohman, 2012; Catt et al., 2014). In the absence of strong institutions, the hybrid model risks entrenching ruling parties and maintaining elite influence rather than creating balance and fairness.

Grassroots or Membership-Based Funding

Grassroots funding relies on contributions from party members and ordinary citizens through membership dues, small donations, community fundraising, and merchandise sales (Scarrow, 2007, 2014; van Biezen, 2004). Recently, digital platforms have facilitated micro-donations and crowdfunding, expanding the reach of this model (Fisher, 2023; Pildes, 2020). Historically, grassroots finance sustained mass-based and ideologically rooted parties such as the United Kingdom's Labour Party as well as South Africa's African National Congress during its liberation struggle against the apartheid regime (Booysen, 2011; Mattes & Piombo, 2001).

Normatively, grassroots funding embodies participatory democracy and pluralist ideals, in which citizen engagement is the lifeblood of a democratic system (Pateman, 1970; Dahl, 1989). By relying on members rather than elites or state subventions, such funding fosters accountability and preserves party autonomy (Ewing, 2007; Nassmacher, 2009). However, in poor and unequal societies, including in the Global South (e.g. Asia, Africa, and Latin America), grassroots contributions are negligible and membership is weak. Organisational infrastructures are often fragile, which means parties cannot sustain their operations (Matlosa, 2004; Ohman, 2012; Catt et al., 2014).

Different funding types have different grassroots strategies. Membership fees build accountability but yield limited revenue; small donor fundraising expands participation, but requires a broad support base; event-based fundraising boosts visibility but is costly; merchandise sales strengthen the party's identity but generate little profit; and digital donations offer scalability, but exclude people who lack online access (Scarrow, 2014). In competitive multiparty contexts, grassroots-funded parties often struggle against rivals with wealthier funding bases, unless the former are bolstered by state subsidies or innovative technologies (Fisher, 2023; Pildes, 2020).

Illicit Funding

Illicit funding involves unlawful or opaque resource flows, such as the abuse of state resources, proceeds from organised crime, and untraceable anonymous donations (Pinto-Duschinsky, 2002; Scarrow, 2007; Check et al., 2019). Unlike the other models, illicit funding directly undermines democracy because it bypasses regulations and weakens accountability. In Africa, illicit financing often involves inflated procurement contracts, the diversion of public funds, and proceeds from gangs and organised crime.

In Lesotho, *Famo* music gangs reportedly channel criminal money into party campaigns in exchange for protection, which blurs the line between politics and crime (Sekoboto, 2022; Check et al., 2019; Letsie & Matlosa, 2025). These gangs are organised groups of Basotho who were originally migrants to the South African mines. In the late 1940s, they began to compete among themselves using Sotho traditional songs and distinctive colours in their attire, such as blankets and hats. Over time, what started as competition over the sales of music has become a deadly competition involving illegal mining (*zama zamas*) in South Africa, along with political rivalry at home in Lesotho. In the past, these gangs fought each other using sticks and stones, whereas they now use deadly weapons, including knives and guns.

There is evidence of linkages between the famo music gangs and established political parties in Lesotho, including the All-Basotho Convention and the Democratic Congress, both of which have enjoyed unregulated financial support from the gangs. Both these parties have governed Lesotho during various historical periods. Such practices create shadow financial systems that erode transparency and entrench patronage (Catt et al., 2014).

Regulatory strategies include bans on anonymous and foreign donations, the criminalisation of illicit contributions, and strengthening oversight institutions to audit political parties' accounts and enforce compliance with regulatory frameworks. However, enforcement remains weak due to underfunded oversight bodies, regulatory capture, or deliberate obstruction by incumbents (Kyei-Poakwah et al., 2024; Catt et al., 2014). Overall, illicit finance remains the most destabilising form of political funding in emerging democracies.

Table 2 illustrates the advantages and disadvantages of the various funding models discussed in this section. In the next section, we explore the interface between party funding theories and regime typologies.

Table 2. Merits and Demerits of Party Funding Models

Funding Model	Merits	Demerits
Public Funding	Levels the playing field by reducing reliance on wealthy donors, strengthening opposition parties, and encouraging programmatic politics.	Often entrenches incumbents when tied to parliamentary seats; weak oversight allows manipulation.
Private Funding	Encourages pluralism by allowing diverse groups and individuals to support parties; strengthens constituency–party linkages.	Wealthy donors dominate, leading to elite capture; weak regulation creates opacity and corruption.
Mixed or Hybrid Funding	Balances the stability of public funding with the flexibility of private sources; diversifies the financial base.	Can combine the worst of both systems; requires strong oversight, often absent in emerging democracies.

Grassroots or Membership Funding	Promotes inclusivity and participatory democracy; enhances accountability by linking parties to citizens; ensures autonomy and protects from capture.	Provides limited revenue in poor societies; weak membership structures undermine sustainability.
Illicit Funding	Provides hidden resources that may stabilise ruling parties in fragile states.	Undermines transparency; fosters corruption; fuels clientelism and criminal infiltration.

Information sources: Nassmacher (2009); van Biezen & Kopecký (2014); Catt et al., (2014); Ohman (2012); Fisher (2023).

INTERPLAY OF REGIME TYPOLOGIES, THEORIES, AND FUNDING MODELS

Comparative political finance scholars have consistently demonstrated that party funding systems are not neutral institutional designs. Instead, they are politically embedded arrangements, whose structure, operation, and effects depend on the regime type as well as enforcement capacity and accountability structures (Scarrow, 2007; Nassmacher, 2009; Norris & van Es, 2016). As Ahmed and Salih (2003, p. 3) observed, 'In competitive systems, parties are organised by politicians to win elections; in authoritarian systems, parties are organised to affect the attitudes and behaviour of the population. In both instances, an organisational structure must be forged, money must be raised.'

The organisation of party finance is therefore inseparable from the political logic of the regime in which it operates. Funding sources, regulatory frameworks, and enforcement practices reflect the underlying power relations, not just technical policy choices. This section investigates the nexus of regime types (and theories) with the five party funding models. Our aim is to demonstrate how funding arrangements perform differently across regime types. Our core analytical proposition is that funding models 'travel' unevenly across regimes. When a model aligns with regime conditions, it supports democratic competition and political inclusion. When the two aspects are misaligned, funding models mutate into instruments of elite capture, patronage, criminality, and regime maintenance.

The relevant analytical question is therefore not which funding model is normatively superior, but what happens when a given model operates in a particular regime type. In this sense, party funding serves as a regime-diagnostic instrument. The model itself can reveal the quality of democratic accountability, institutional credibility, and the distribution of political power within a country.

Full or Liberal Democracies: Public Goods Logic and Institutional Alignment

Full or liberal democracies, such as Seychelles (Wiltse et al., 2019, Hatchard, 1993), are characterised by economic growth and political stability. In such democracies, party competition approximates a public good in the classical sense. It produces collective benefits, including accountability, alternation in power, representation, and policy responsiveness, which accrue broadly to the citizens (Dahl, 1961; Scarrow, 2007). In these regimes, public goods theory offers its strongest explanatory power. Parties are not merely private associations but also institutional carriers of democratic goods. This point justifies public regulation and state support to prevent capture by narrow interests and to sustain fair competition (Samuelson, 1954; Olson, 1965; Falguera et al., 2014).

Hence, the public funding model most closely aligns with its theoretical intent in full/liberal democracies. Independent oversight bodies, credible sanctions, high transparency, and pluralistic media environments constrain manipulation. In such settings, public subsidies stabilise party competition, without eliminating the contest (van Biezen, 2003; Ewing & Issacharoff, 2006). Allocation rules are combined with disclosure, audit, and spending limits, which prevents donor dominance and preserves electoral competitiveness (Nassmacher, 2009; Norris & van Es, 2016). Comparative evidence from Western Europe and Latin America showed that public funding reduced illicit finance, strengthened opposition parties, and supported programmatic competition when institutions were robust (Scarrow, 2007; van Biezen & Kopecký, 2014).

Private funding, when well regulated, can coexist with democratic competition. Disclosure requirements, contribution limits, and enforcement mechanisms constrain donors' influence and prevent overt capture (Scarrow, 2014; Ewing, 2007). Even so, scholars warn that rising campaign costs generate structural advantages for wealthy donors, which leads to the need for ongoing regulatory recalibration (Nassmacher, 2009).

Mixed funding systems also perform well, because strong institutions prevent either public or private finance from dominating the system. Public funding provides a baseline level of competitiveness, whereas regulated private donations enable societal participation (van Biezen & Kopecký, 2014). Grassroots funding is another model that performs best in full/liberal democracies where citizens possess disposable income, strong party identification, and organisational capacity (Scarrow, 2014; Fisher, 2023).

Illicit funding, by contrast, is structurally constrained by enforcement and transparency and is treated as a criminal deviation rather than a political norm. In full/liberal democracies, therefore, party funding models function as theorised by public goods theory. Where distortions occur, they reflect lapses in enforcement rather than a faulty regime logic.

Flawed or Electoral Democracies: Conditional Public Goods and Institutional Fragility

Flawed or electoral democracies, such as Kenya (Mwangi, 2008; Oloo, 2009) and Lesotho (United Nations Development Programme, 2021; Rakhare, 2019), are marked by fragmented party systems and fragile coalition governance. Here, public goods theory retains its analytical relevance but operates under constrained conditions. Electoral competition exists, yet enforcement capacity is uneven. Regulatory independence may be compromised. Party systems are often weakly institutionalised (Matlosa, 2007; Bratton & van de Walle, 1994), and democratic institutions coexist with informal power practices. The result is a hybrid political order in which formal rules operate alongside patronage and elite dominance.

Public funding addresses important democratic deficits in flawed/electoral democracies. It reduces funding asymmetries, limits overt vote-buying, and provides opposition parties with the minimum resources they need for electoral participation (Falguera et al., 2014; Fiorelli, 2021). In this sense, public goods-oriented funding can mitigate the worst distortions of unregulated private finance and help contain the corrosive effects of money in politics. However, the performance of such funding is often distorted. Allocation formulas tied to parliamentary representation tend to entrench incumbents, especially if regulatory bodies lack independence (Katz & Mair, 1995; van Biezen & Kopecký, 2014). Weak oversight allows a diversion of public resources, as well as selective enforcement, which leads to formal competition without real accountability.

Private funding in flawed/electoral democracies contributes to inequality. Weak disclosure regimes enable affluent individuals and business actors to dominate party financing, which means economic power can be translated to political influence (Pinto-Duschinsky, 2002; McMenamin, 2012). Rather than strengthening party–citizen linkages, private funding narrows access and deepens elite capture. Similarly, mixed funding systems often institutionalise asymmetry: public subsidies coexist with opaque private donations, which allows incumbents to benefit disproportionately while maintaining the appearance of pluralism (Matlosa, 2007; Norris & van Es, 2016).

Grassroots funding is structurally weak because poverty, inequality, and fragile party organisations limit citizens' capacity to sustain parties financially (Ohman, 2012; Catt et al., 2014). Illicit funding fills regulatory gaps, substituting for ineffective oversight and sustaining competition by informal means (Scarrow, 2014; Pinto-Duschinsky, 2002). Flawed/electoral democracies, therefore, exhibit a conditional public goods logic. Funding models may exist in law, but they operate through informal political logics that often obstruct the democratic purpose.

Hybrid Regimes and Electoral Autocracies: Clientelism and the Fusion of Formal Rules and Informal Power

The theory of clientelism is most analytically relevant to hybrid regimes and electoral autocracies. Examples are Benin (Duran et al., 2023) and Angola (Battera, 2018; Casal Bertoa, 2019), where elections are competitive, but accountability mechanisms are weak, uneven, or selectively enforced (Keefer, 2007; Wantchekon, 2003; Mosabala & Fombo, 2021). In such contexts, political actors face credibility constraints that undermine programmatic competition, making targeted and monitorable benefits a more reliable means of securing support. Parties are organised around patronage networks rather than ideological programmes; political loyalty is secured through selective exchange rather than collective policy commitments (Scott, 1972).

Party funding in hybrid regimes prioritises discretion, liquidity, and informality. Financial resources are mobilised to sustain patronage networks, electoral machines, and short-term mobilisation strategies, not long-term organisational development (Bratton & van de Walle, 1994; Matlosa, 2007). In addition, public funding often becomes a form of patronage. Formal subsidy schemes are absorbed into clientelist networks or selectively deployed to reinforce incumbency, rather than levelling the playing field.

Instead of displacing informal finance, public funding becomes an additional resource within patrimonial or prebendalist systems. These are rent-seeking governance systems that benefit powerful individuals at the expense of the country, especially poor, marginalised, and vulnerable people. Furthermore, private funding becomes explicitly transactional. Donors provide resources in exchange for access, contracts, or regulatory forbearance (Wantchekon, 2003; Keefer, 2007). Electoral competition intensifies the incentives for such exchanges, while weak oversight allows them to persist. Similarly, mixed funding systems subsidise the practices of clientelism rather than constraining them. Public funds complement informal finance, reinforcing elite dominance under formal legality (Bratton & van de Walle, 1994).

Grassroots funding is marginal, as poverty, repression, and weak party institutionalisation limit citizens' participation. Illicit funding becomes structurally embedded, linking parties to organised crime, rent-seeking, and the abuse of state resources (Check et al., 2019; Catt et al., 2014). Overall, in hybrid regimes, funding models reveal the coexistence of formal democratic institutions and informal authoritarian power, making clientelism the dominant explanatory logic.

Authoritarian Regimes/Closed Autocracies: Clientelism Without Electoral Mediation

Examples of authoritarian regimes and closed autocracies are Eritrea (Kidane, 2022) and Eswatini (Mzizi, 2004; 2005), which are characterised by de facto one-party or no-party settings. Here, party funding supports regime maintenance rather than electoral competition. Eswatini has banned political parties; Eritrea forbids the private funding of political parties (ACE Electoral Knowledge Network, n.d.). In these countries, there are no real elections, only choreographed and predetermined selections. Electoral accountability is absent or tightly controlled.

Party finance is oriented toward elite cohesion, rent distribution, and political loyalty rather than voter mobilisation. Parties function as instruments of political control rather than vehicles of representation, and the funding systems reflect that logic. Public funding, where it exists, is symbolic or instrumental, serving regime legitimation or the control of opposition instead of enhancing political competition (Scott, 1972; Bratton & van de Walle, 1994). Private funding is also politically conditioned. Donors contribute to secure protection rather than ideological alignment, which reinforces dominance by the elite (Nassmacher, 2009). Similarly, mixed funding systems entrench party–state fusion rather than pluralism.

In these settings, grassroots funding is negligible because of repression and a weak civil society. Furthermore, illicit funding is structurally integrated into the regime's survival. This means that parties are linked to extractive rents, natural resource revenue, and criminal economies. Overall, in authoritarian regimes, clientelism operates without electoral mediation, functioning as a system of elite management rather than political mobilisation. Funding models therefore reveal not healthy competition but control.

IMPERATIVES FOR REFORM

Since 2003, International IDEA has developed and continues to update its comprehensive Political Finance Database, which covers 181 countries and 58 types of party finance regulations (Hamada & Agrawal, 2025). The first step towards party funding reform is the establishment of an effective regulatory framework. However, as we mentioned earlier, party funding reform cannot be understood as merely a technical or legal exercise. The success of such reform is fundamentally conditioned by the regime type, institutional capacity, and quality of democratic accountability. Regulation should not be viewed as an end in itself but rather as one component of a broader democratic transformation project.

The raison d'être for party funding reform is fourfold. The first justification is to prevent abuse and the buying of political influence; the second is to level the playing field between competing parties. The third reason is to empower citizens through transparency and access to information. The fourth justification is the strengthening of political parties as democratic institutions through better internal accountability and organisational development. These objectives correspond to the logic of public goods theory, which treats political parties as carriers of democratic goods, deserving of institutional protection against capture. Nonetheless, as this article has demonstrated, the objectives can only be realised under regime conditions in which enforcement is credible and accountability mechanisms are functional. Where these conditions are absent, regulation risks becoming merely symbolic or instrumental, rather than transformative.

At the global level, the United Nations Convention Against Corruption identifies political finance regulation as a core instrument for combating corruption. Article 7.3 of the Convention calls on states to 'enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties' (United Nations, 2004, p. 11). Similarly, the African Union Convention on Preventing and Combating Corruption obliges member states to prohibit the use of illicit funds in party financing and to entrench transparency as a governing principle (African Union, 2003). These frameworks establish party finance regulation as a governance norm and a democratic obligation.

However, the effectiveness of the above frameworks is mediated by domestic political settlements. Where authoritarian or hybrid regimes prevail, compliance is often formal rather than substantive. Regional and national regulatory frameworks in the form of party laws, electoral laws, and codes of conduct have proliferated across Africa. Yet empirical evidence indicates that legal and institutional arrangements remain weak, fragmented, or politically compromised (Hamada & Agrawal, 2025; Transparency International, 2024). In several African countries, civil society organisations and the media lack the autonomy and capacity to perform their watchdog functions effectively; oversight institutions are under-resourced, politically vulnerable, or selectively enforced (Kali, 2022). These points substantiate our central claim, namely, that party funding reform without regime reform is structurally limited.

Recent studies have also demonstrated that political finance reform is not a one-off event but a continuous process of institutional recalibration (Hamada & Agrawal, 2025; Transparency International, 2024). Regulation must therefore be treated as part of an evolving democratic architecture, not as a technocratic intervention. In this sense, party funding reform is best understood as both a diagnostic and a driver of democratic quality. Where such reform succeeds, it signals institutional alignment with democratic norms. Where it fails, it exposes deeper pathologies of the regime.

International IDEA identifies four core regulatory frameworks that underpin effective party funding governance. They are as follows: donation bans and limits; access to public funding; spending limits; and reporting, disclosure, and oversight mechanisms. Each of these instruments is normatively grounded in public accountability, but their practical operation varies markedly across regime types (Ohman, 2012).

Donation bans and limits are aimed at curbing undue influence and preventing the abuse of state resources. Most countries prohibit political parties and candidates from receiving funds from government institutions and restrict or ban foreign donations to protect their national sovereignty. In practice, however, these measures are difficult to enforce in flawed and hybrid regimes, where informal networks and illicit finance circumvent legal controls. Ruling parties often abuse state resources during election campaigns, which undermines the principle of competitive neutrality and reproduces incumbency advantage. Such practices illustrate how clientelist and neopatrimonial logics can override formal regulations in weakly institutionalised systems.

Public funding is among the most widely adopted democratic reforms, aimed at strengthening parties' institutional capacity and levelling the electoral playing field. In established democracies, public subsidies reduce the dependence on wealthy donors and support programmatic competition. In several African countries, public funding has been introduced as part of their democratic consolidation strategies. However, access is often restricted to parliamentary parties, with allocation formulas combining equity and proportionality (Catt et al., 2014). While this approach can stabilise party systems, it may also entrench dominant parties in contexts where the alternation of power is weak. Without independent oversight, public funding risks becoming a mechanism of regime reproduction rather than democratic competition.

Spending bans and limits constitute another cornerstone of political finance regulation. Vote-buying is universally prohibited, yet the practice remains pervasive across much of the Global South. In Africa, vote-buying is often rationalised in terms of poverty alleviation or constituency service (Ohman, 2012), which indicates the persistence of clientelist political cultures. Furthermore, although most countries impose campaign spending limits, enforcement remains weak. The monitoring of party expenditure requires sophisticated auditing capacity and political independence, both of which are often lacking in flawed and hybrid regimes.

The effectiveness of all the regulatory instruments depends on mechanisms for reporting, disclosure, and oversight. Parties and candidates are required to disclose their funding sources, the amounts they receive, and their expenditure patterns. Yet in many African countries, violations occur with impunity because of weak institutional coordination, politicised oversight bodies, and limited investigative capacity. Electoral management bodies (EMBs), which are often tasked with regulating party finance, are already overburdened with election administration. Assigning political finance oversight to EMBs without giving them additional resources only exacerbates the institutional fragility. Comparative experience suggests that specialised regulatory agencies, such as registrars of political parties, would be better suited to this mandate.

In sum, these regulatory instruments illustrate the limits of technocratic reform in the absence of regime transformation. Party funding regulation can only fulfil its democratic purpose under conditions of credible accountability, institutional independence, and political pluralism. Where regimes remain hybrid or authoritarian, funding reforms are likely to be absorbed into patronage networks and elite dominance. In this sense, effective party funding reform implies a broader transition toward democratic deepening. Without regime transformation, merely reforming party finance models and regulations can mean that the symptoms are treated but an underlying political pathology is left intact.

CONCLUSION

This article has advanced the often-stated principle in the literature that, across the world, political parties are the engine of representative democracy. The paper further demonstrated that like any other governance institution, political parties require institutional strengthening to ensure they can be effective in advancing democratisation and political stability. This, in turn, requires access to various resources, whether infrastructural, technological, human, or financial. With regard to the latter, it is clear that party financing represents a catch-22 for democratisation and political stability. It can either promote democratisation under a favourable environment or contribute to the corrosion of democracy under an unfavourable environment, thus generating political instability.

We first established that party funding cannot be understood outside its broader political context, particularly the regime in a country. We then analysed African countries within the framework of regime classifications developed by the EIU's Democracy Index and the V-Dem project. Both frameworks utilise a four-pronged categorisation of regime types to assess the state of democracy versus autocracy across the world, including in Africa. Few countries are classified as full/liberal democracies or authoritarian regimes/closed autocracies. Most are classified as flawed/electoral democracies or hybrid regimes/electoral autocracies. These classifications have implications for theoretical explanations of party funding as well as the prevalent party funding models.

We discussed two party funding theories, namely public goods and clientelism. Public goods theory resonates strongly with full/liberal democracies and, to some extent, flawed/electoral democracies. By contrast, clientelism resonates strongly with hybrid regimes/electoral autocracies and authoritarian regimes/closed autocracies. In addition, we investigated five party funding models. Our analysis showed that these models apply across different regime types to varying degrees or with varying dynamics, mutations, and impact.

Finally, we made a case for regular reform of party funding mechanisms, procedures, rules, and regulations. The aim is to ensure that party funding adds value to democracy and stability. In the absence of such reform, democracy's essence can become denuded, resulting in the current democratic backsliding and accelerated political instability.

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POLITICAL FUNDING REGIMES AND THE TRAJECTORY OF CHANGE

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ABSTRACT

There is widespread agreement in the literature that, despite the financing of politics having existed for decades, the topic remains a complex research subject. Scholarly attention has mainly focused on how political contestants are financed, and the field is relatively new. This paper looks at political funding regimes, which refers to funding types and the rules and procedures established for money flows into and out of a political system. It also deals with the transformation of political funding over time. It argues that the trajectory of change in political funding is not only the result of diminishing traditional sources of funding; it is also a consequence of the political interests of those who supply the funding and of political parties and candidates who are the target beneficiaries of the funding. In addition, two equally fundamental factors come into play. The first is declining public trust in political parties, which were previously considered the cornerstone of electoral democracy. The second is a combination of the sheer failure of the state to democratically perform (i.e. the recession of the legitimacy of the state) along with the erosion of freedoms, justice, constitutionalism, and rule of law (democratic recession).

Keywords: political finance, political funding, party funding, campaign finance, representative democracy

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INTRODUCTION

There is no gainsaying that political financing as a research area has largely gained traction in recent times, with the attention being on how political parties get funded, and on the impact of political finance on citizens' voices and choices. In the research milieu on political finance, one thing that stands out is the consensus that this is a complex subject, both in terms of the intricacies around financing regimes and the impact on democracy (Mendilow, 2018; Piccio & van Biezen, 2018; Helle, 2011; Casas-Zamora, 2005). Therefore, a discussion of political finance cannot avoid addressing its implications for democracy. Meaning that, in a sense, there is a relationship between political financing and its enabling or hindering of democracy. This underpins the high of the logic of most research inquiry into the subject.

The discourse on democracy has largely focused on the trappings of liberal democracy as envisioned in the West. This often poses challenges, especially for those seeking to understand democracy globally, and particularly in Africa. Hence, the ongoing debate among scholars and policymakers centres on the need to redefine democracy to ensure that it transcends liberalism and responds to unique sociocultural and politico-economic contexts (Matlosa, 2023). This debate notwithstanding, recent research findings on the global state of democracy reveal a worrying emergent trend of democratic regression.

For some, this recession manifests because the state has not fulfilled its responsibility to citizens. A proponent of this view is Salih (2023), who posits that people express their dissatisfaction with the state's performance; this is not necessarily a democratic recession but a recession of the legitimacy of the state. In other words, Salih identifies fault lines in the delivery deficiencies. On the one hand, the state quixotically makes promises it cannot keep and thence fails to deliver public goods. On the other hand, things boil down to elite insularity.

The consequence of the legitimacy deficit has been the non-fulfilment of the social contract. This problem manifests in tense state–society relations and citizens' withdrawal of their spontaneous consent to comply with the rules and dictates of the governments in many countries. In Africa, a combination of the failure of the state to democratically perform along with the erosion of freedoms, justice, constitutionalism and rule of law has triggered citizens' demands for greater accountability. Research attributes the emerging military coups and popular revolutions in the Sahel region, which seem to enjoy citizen support, to this phenomenon. As seen in this region, citizens who are disgruntled with the political elite are falling for the fetishisation of military rule.

Some democratically elected political leaders also seem to admire 'wanton' military rule. Recently, the newly elected president of Botswana, Duma Boko, publicly stated his admiration of Burkina Faso's military ruler Ibrahim Traore's governing style (Nkwatle, 2025). In his remarks, Boko lamented the delays in implementing government projects and suggested that Traore is not constrained by administrative and procurement procedures. Of course, we all know from the experience of military rule in Africa that the excitement will be short-lived, because, by their nature, military regimes are notoriously intolerant of dissent. The 2025 Afrobarometer report already indicates a trend of the suspension of opposition politics and the suppression of dissent after military takeovers in Burkina Faso, Mali, and Niger.

The reversal of democratic gains also manifests in the loss of centrality and capacities of democratic institutions and practices, against the backdrop of a rise in authoritarianism (Diamond, 2015; Levitsky & Way, 2015). Tracing the recession from 2006, one of the leading proponents of the democratic recession thesis, Larry Diamond (2015, p. 144–153), suggests that not only is there a rapid breakdown, but the quality and stability of democracy are also at risk. He adds that authoritarianism is entrenched in countries he considers strategic for democracy building, while established democracies are performing poorly.

The findings of the 2024 International IDEA Global State of Democracy (GSoD) report substantiate Diamond's views on democratic recession. The figures suggest that more countries are experiencing net declines in democratic performance than those making progress (Global State of Democracy Report, 2024). Ironically, the latest GSoD report (2025) shows that most of the established democracies to which Diamond entrusts the responsibility of promoting democracy globally, through pressure and solidarity – such as the United States – continue to put on a poor show in democracy. In less than six months, the United States' domestic political institutions considerably lost their reverence due to executive overreach. They instead have become an epitome of populist strongman leadership, giving little if any hope to pro-democracy advocates. True to the thrust of the democratic performance thesis, one observes both within the States and elsewhere that wherever this erosion manifests, it lays bare the state's incapacity to manage social cleavages and to ensure citizen participation and democratic resilience.

Against this background, in this paper, I explore the equally important issue of political funding, noting that the notions of liberal democracy discussed above are acutely relevant in the literature on political funding. To avoid any doubt, I concede that political funding is indispensable in a democracy, despite the obvious challenges it will face. At the centre of political finance and political funding discourse are issues such as the role of money in politics, the role of the state in political funding, and the impact of these matters on political and party systems.

The article adds value to the discourse by focusing on political funding regimes, which, as I argue in the conceptualisation section, are often conflated with sources of funding. The article also dwells on the equally important subject of the regime's trajectory of change over time, what causes the change, and its impact on representative democracy. I attempt to achieve this by examining political theory in the first section, given its relevance to studies on elements of political institutions. I use this to show how it underpins political finance. The conceptual framework follows the theory section and describes the scope of my analysis of political funding for parties and candidates. The third section is devoted to political funding regimes; based on the literature, it evinces how each regime relates to some of the theoretical considerations raised in earlier sections. The fourth section tackles the trajectory of change in political funding regimes in terms of how and why it happens, its impact on the party system, and representative democracy. The final section provides concluding reflections.

THEORETICAL ENTRY POINTS

To understand the role of money in politics and the different political funding regimes, as well as to explore opportunities within each of those regimes, I briefly outline the theoretical contours through which the key argument of this article is established. In this regard, political theory, which is primarily concerned with political institutions, provides a solid basis for analysing political finance, the funding of political parties and candidates, and their relationship with representative democracy. I give particular attention to five distinct, yet complementary, modes of analysis, namely, the classical doctrines of the social contract, sources of legitimacy and authority, democratic theory, political ambition theory, and cartel party theory.

The earlier Western institutional theorists were preoccupied with establishing the proper exercise of governmental power, which they deemed fundamental to realising the values that their societies held dear. Seminal works by Thomas Hobbes, Jean-Jacques Rousseau, and John Locke on the social contract are of particular importance (Rosen & Wolff, 1999). Central to their social contract theory, developed in the 17th century, are people's deliberate efforts to form a central authority or government to cater to their needs and aspirations. Social contract theories are often used to explain the rationale of the state or central authority. Hobbes (see Rosen & Wolff, 1999, p. 56–58) propounded the notion of the state of nature, or natural state, in which he suggested there are no enforceable rules for social interactions. He noted that, naturally, man has innate fear and the desire for self-preservation. To realise his preservation within a state of nature, man must minimise the possibility of external dangers by collaborating with other people.

Hobbes's thesis is a countermeasure to Charles Darwin's theory of evolution, whose notion of the survival of the fittest through natural selection entails the elimination of weaker species by stronger ones. However, one of the weaknesses of Hobbes's notion of a contract between the ruler and the ruled is that it fails to address critical questions, such as how the ruled can ensure the rulers will fulfil their obligations. In other words, what tools exist for the ruled to safeguard their interests?

Another proponent of the social contract, Jean-Jacques Rousseau, believed that man is naturally good and, due to external evil forces, has been transformed. As a result, he must enter a pact (a general will) that would minimise harm to himself and others. In his 1762 influential work on natural freedom and the freedom of the citizen (see Rosen & Wolff, 1999, p. 62–63), Rousseau's concern was the basis of legitimate governments to establish criteria for judging the validity of any kind of political institution.

For Hobbes, and later Rousseau, the legitimacy of a political institution is not imposed but derives from national conventions. That is, the people remain the source of political power and its legitimate use. Related to this argument is Max Weber's framework of legitimate authority, in which he distinguished between three sources of authority: rational legal, traditional, and charismatic authority. For Weber (1968, p. 51–52), rational legal domination is based on the legality of the established rules and regulations, as well as the powers of those elected in implementing those rules. Traditional domination, on the other hand, depends on the validation of the immemorial traditions by the ruled and their submission to those who exercise authority over them. Charismatic domination differs in that it centres on the personality of the leader; it is based on devotion to the special attributes of an individual.

In sum, the social contract and legitimate authority theories are crucial for discussions about political funding. This is particularly true regarding the justification for requiring citizens – the ruled – to fund parties and candidates through their taxes.

Democratic theory is equally relevant to this article because it concerns political processes and the legitimacy of government. Also, central to democratic theory is the premium it places on citizen participation in elections, and the freedoms or guarantees of 'primary political rights'. Notwithstanding their varied constructions, most essays on democracy emphasise the axes of liberty/equality, commonality/pluralism, participation/representation, and common good/proceduralism (O'Donnell, 1999; Karppinen, 2013).

According to Hyland (1995), the theory has both quantitative and qualitative dimensions, involving a power structure that entails a level of binding decisions, if those subject to the decisions have equal effective rights in determining the decisions to which they are subject. One may add that the importance of democratic theory lies in its ability to explain the centrality of citizens in the legitimation of government. Most importantly, as I show in Section Five, the theory is also useful for locating citizens within the provenance of political funding regimes and the trajectory of change, from people-centred to state-centred regimes.

It is hard to discuss political funding without reference to the theory of ambition. This theory helps explain the rationale that undergirds political finance and the trajectory of change in political funding regimes. Drawing from the seminal work of Joseph Schlesinger (1966), titled *Ambition and Politics: Political Careers in the United States*, the thrust of ambition theory is the objectives of ambition, status, power, and wealth. The interplay between these variables and opportunity shapes politicians' behaviour (Nicholls, 1991; Herrick & Moore, 1993).

Alejandro Poiré (2006) defines political finance as a set of transactions through which politicians fund the non-governmental activities necessary to satisfy their career ambitions. He offers an interesting explanation of the relevance of ambition theory to political financing. He notes that the market for political finance can exist without the participation of benefit-seeking donors, yet it cannot survive without donation-seeking politicians. Put otherwise, political finance exists for the politicians, without whose ambition and behaviour it becomes unlikely.

The cartel party theory is also pertinent to this article, particularly in relation to the trajectory of change in political funding regimes. The advocates of the cartel thesis, Karz and Mair (1995) argued that the traditional mass parties had declined in recent times and that electoral turnout was equally dwindling. Consequently, wary of the potentially devastating impact on their organisational being, political parties have resorted to crisis mitigation measures. This includes turning to the state for subsidies as a new form of collective action. The implication of this move is that parties may lose their connections with the societies they ought to represent (Katz & Mair, 1995, p. 20).

To sum up, this section has laid out a theoretical framework that is very useful for understanding political finance in both developed and developing democratic settings. The social contract theories apply to modern institutions of government. Notwithstanding their differences regarding the relations between political institutions, the theories converge on the source of authority and legitimacy. They recognise that the people are the source of political power, even though they differ on how such power should be exercised.

Democratic theory places obligations on both the authority and the subjects of that authority. The cartel party theory addresses the factors relevant to the evolution of political funding regimes and their implications for citizen participation and representative democracy. The theory of ambition explains the dynamics of the harmony, or lack thereof, between politicians' ambition, behaviour, and political funding. Overall, a combination of these theories and doctrines helps advance the key arguments of this article. In the next section, I address the conceptual framework regarding political finance and funding, campaign finance, and public versus private funding.

CONCEPTUALISATION

'Political finance' and 'political funding' are sometimes, perhaps too often, used interchangeably. Similarly, there is a tendency to blur the lines between party finance and campaign finance. Weissenbach and Korte (2010) describe the former as being prevalent in parliamentary systems, which makes it a party-centric form of finance. By contrast, campaign finance is associated with presidential systems, where the focus is on the presidential candidate.

The conflation of these concepts results from the fact that there is an element of exchange of money and/or services between the contributor and the receiver in each case. This is the reason some people use the terms loosely. There is little consideration in understanding the nature and form of the two concepts. To clearly demarcate the discussion that follows, I should clarify that this article is about political funding regimes, not political finance.

Having said that, and without contradiction, it is not possible to successfully make a case for political funding without dealing with political financing. Therefore, to navigate these muddy waters, I adopt a 'hierarchy of concepts' approach. I deal first with political finance, which is at the apex of that hierarchy. Political finance is an overarching concept and therefore should not detain us much here. According to International IDEA (2014, p. 2), political finance refers to all money, both legal and illegal, in the political process. It includes the financing of political party activities and electoral campaigns, particularly campaigns by candidates and political parties, but also by third parties.

Helle (2011) shares a similar definition, offering a further conceptual distinction between political finance and political funding. She explains that the latter term is a sub-concept of the former. Essentially, political funding is focused on the income side of political finance during and beyond the campaign period. Helle adds that public funding has its own subtypes, namely, campaign funding and party funding. In this scheme, campaign funding is dedicated mainly to financing a candidate's campaign for an election contest, whereas party funding caters to political organisations during and after the election campaign period. In addition, Helle (2011) notes that the political funding concept applies to both the party and the candidate. She explains that the issue is not a conceptual difference but about the *contextual* difference regarding who is running the campaign.

Indeed, context matters in the application of these concepts. In South Africa, for example, the legislative framework has evolved from a definition limited to political parties to one that is inclusive of independent candidates. In 1997, the *Represented Political Parties Act, 103 of 1997* stipulated access to funds, their distribution, use, and accountability mechanisms. The focus of this legislation was on funding political parties participating in the national and provincial parliament spheres. However, in 2018, legislative reform introduced independent representatives and independent candidates. Under the new law, the *Political Funding Act No. 6 of 2018*, the conception of political funding is both party-centric and candidate-centric.

My analysis is inspired by Helle's conception of, and differentiation between, political finance and political funding. Political finance is a broad, acontextual concept about money in politics. On the other hand, political funding, which is the focus of this article, is about the income and other support to parties and candidates during and beyond the campaign period. It is important to underscore that this conceptualisation recognises that political funding exists before and after the elections. In what follows, I make the point that the different political funding regimes determine the scope and required financial resources. I also deal with the conditions within which those resources are obtained, regulated, and accounted for.

POLITICAL FUNDING REGIMES

Political finance literature generally converges on the types of political funding regimes. In adopting a broad conceptualisation of political funding regimes, most literature includes grassroots funding, state funding, elite funding, foreign funding, and illegitimate funding (Weissenbach & Korte, 2010; Helle, 2011; Sarankinsly, 2025; Sibanda, 2016; Frimpong, 2019). I am not entirely convinced that illicit or illegitimate financing qualifies as a funding regime. Instead, according to the conceptualisation of political finance presented above, illicit or illegitimate financing is only one part of the sources of money in politics – a problematic one, for that matter. The contributions of members of political parties, businesses, civil society organisations, and trade unions, whether inside or outside a country, are additional sources of funding, not funding regimes.

The point is that there is a huge conceptual difference between funding regimes and sources of funding. Therefore, my claim is that even if it may be a lifeline for those involved, illicit financing in political funding is akin to corruption in supply chain management. The fact that corruption exists in supply chain management does not make it a type of a supply chain or an integral part of a supply chain. Indeed, it remains anathema to supply chain management.

Hence, I limit my focus to the conceptualisation of funding regimes as established normative and legal frameworks, within which those providing funding and the recipients transact. For this purpose, I align with the definition of political funding regimes as the rules and procedures established for money flows into and out of a political system (Weissenbach & Korte, 2010). Casas-Zamora (2005) captures this sentiment even more eloquently, stating that the concept of 'party funding regime' is born out of the theoretical concept of 'institutional regimes'. This concept, he opines, perceives such regimes as the legitimate sources of income for political parties, their legitimate areas of spending, and the extent to which they must publicly declare their income and expenditures.

Based on the foregoing conceptual entry point, the predominant political funding regimes are public funding, private funding, and mixed-type funding. Given the extensive work on this subject (Weissenbach & Korte, 2010; Orr, 2018; Peller, 2018), I do not intend to provide a detailed description of each. I briefly examine the rationale behind the regimes, their common features, and a criterion for their application.

Public Funding

The rationale for public funding is that, in a democratic dispensation, the state must finance political parties and candidates to enable them to perform their representative functions. The understanding is that there is a direct relationship between political parties and the public sphere. This rationale is informed by democratic theory, which views public funding as a mechanism that promotes an open and unencumbered competitive multiparty system, in which political parties are a key tenet of democracy.

Andrew Heywood's (2002) definition of political parties and the role they play provides an apt contextualisation of the democratic theory perspective and, in a way, justifies why they need funding. He regards them as the vital link between the state and civil society, and between government institutions and the various interests operating within that society. Most importantly, Heywood posits that political parties are crucial actors in aggregating and articulating interests, recruiting leaders, presenting election candidates, and developing competing policy proposals that provide voice and choice. Their performance impacts party systems and the strength and effectiveness of institutions such as Parliament.

In a study on state intervention in party politics in Europe, Van Biezen (2008) comments on the diminished 'libertarian paradigm', which argued that (a) parties are private entities serving organised interest groups, and whose aim is to represent their membership views; and (b) parties must have maximal rights of association, privacy, expression, and freedom from state intervention, including regulation. Van Biezen suggests that the competitive oligarchies' democratisation through franchising adult male citizens, and the restoration of democracy in the immediate post-war period, rendered parties essential. She argues that until that point,

> [parties] were not seen as necessary, let alone desirable, institutions for democracy. On the contrary, they were primarily perceived as a threat to the general interest or as overriding the interests of the individual. Indeed, their existence was fundamentally incompatible with both the liberal democratic tradition rooted in the political philosophy of Locke and the radical democratic tradition inspired by Rousseau. Both of these are difficult to marry with partisan institutions, which by their very nature transcend individual interests and contest the existence of a general will. (p. 349)

Van Biezen concludes that there was a gradual appreciation of parties as indispensable protagonists of representative democracy over the course of the 20th century. This shift has placed modern political parties among key democratic institutions. Hence, the state intervenes with funding to facilitate their continued existence, to foster a level playing field, and to eradicate particularistic forms of financing (p. 350).

Public funding can be provided on a proportional basis, an equitable basis, or both. For instance, in South Africa, public funding of parties is provided for in Section 236 of the Constitution. Pursuant to this provision, Section 3(a) and (b) of the *Political Funding Act No. 6 of 2018* states that the allocation of funds must be equitable and proportional. The equity is based on a weighted scale for the allocation to each represented political party, while proportionality is determined by the number of representatives of each party in the National Assembly and the provincial legislatures.

The regulations section of the Act provides for a one-third equitable and two-thirds proportional allocation formula. In the context of a dominant party system – which is characteristic of most African states, at least until recently – the proportional allocation of public funding was a bone of contention for the opposition ranks. They widely regarded it as favouring the party in power, which already enjoyed an incumbency advantage over smaller and less resourced opposition parties.

Public funding can be direct. In this case, political parties and candidates receive financial resources from the state, as in the South African example. Beyond financial contributions, other resources – such as free time in the media and free election material, free use of state facilities, state grants to political party foundations (mostly in European contexts), tax reliefs, credits and matching grants – constitute indirect political funding (IDEA, 2014; Fernando & van Biezen, 2017).

The extent to which direct and indirect funding apply depends not necessarily on when money is scarce, as Helle (2011) suggests. Instead, it depends on a public funding regime typology, such as party funding and campaign funding. Other relevant factors are the type of electoral systems and legal frameworks.

Several criteria determine who qualifies for public funding, especially direct funding. According to the Romanian Permanent Electoral Authority (2014), the first type sets no thresholds; usually, parties and candidates duly registered with the election authority automatically qualify for public funding in this case. The challenge with this eligibility standard is that it opens floodgates in the context of the proliferation of political parties. More so, the bar for registration is low because there is no statutory body responsible for registering political parties, overseeing their activities and accountability, or deregistering them.

The second eligibility measure is the number of legislative seats won. This approach is often criticised for favouring dominant parties. The third type is based on a post-election-based criterion that focuses on representation in parliament. The fourth is the number of candidates present at elections, or the number of nominated candidates for a particular election.

Private Funding

Outside of the realm of funding from the fiscus, private individuals, the business sector, and other entities provide funding to political parties and candidates. There are several sources of private funding, including the rank-and-file membership, small and large donors, party leadership, candidates and elected members, local and foreign business, foreign governments or their proxies, and, at the extreme pole, illicit networks (IDEA, 2014; Briscoe et al., 2014; Porat, 2021; Piccio, 2024).

Just like in the case of public funding, private funding can take the form of financial and in-kind contributions, even if the monetary value of in-kind contributions is declared by the recipient. A general practice is that the contributions are exempt from taxation for both the donor and the recipient. This becomes an incentive for potential donors to contribute generously.

There is no gainsaying that economic decline and the general decline of public trust in political parties, especially in the African context, render political funding a distant mirage (Hopkin, 2004; Matlosa, 2005; Adejumobi, 2007; Chege, 2007; Afrobarometer, 2008; Dolgikh, 2020). It is difficult to justify prioritising political funding in a context where there are competing national needs. Consequently, political parties in some contexts struggle to perform their function as envisioned by democratic theory. This limitation applies to political party candidates and independent candidates' campaign obligations. Hence, parties and candidates are turning to private funding and are increasingly using new media platforms to canvas their propaganda.

That said, most researchers who demur at the private funding of candidates and parties often make the mistake of treating it as an exclusive domain of big business or the wealthy. By doing so, they attempt to justify their commonly held view that private funding and democracy are strange bedfellows. Birch (2022) advances this sentiment forcefully through a two-pronged analysis of political equality and judgemental autonomy. According to her, private funding is at variance with democratic principles because it takes away an important value of democratic theory, which is equality. She argues that private funding places a higher premium on those with financial resources than on ordinary citizens.

In brief, Birch (2022) identifies seven avenues through which private funding impacts political equality. These are the party position effect, the political recruitment effect, the representative behaviour effect, the executive behaviour effect, the mobilisation effect, the conversion effect, and the legitimation effect. Birch also contends that private funding is inconsistent with democracy because it undermines the judgemental autonomy of the recipient political parties and candidates. The urge to secure funds for campaigns and sustainability becomes the focus, at the expense of objectivity.

However, Piccio (2024) disabuses us of the notion that private funding is entirely bad. She makes an important distinction regarding the dual nature of private funding, noting that there are small contributions (grassroots financing) versus large donations from the corporate world and interest groups. From Piccio's perspective, one could argue that contributions from members or supporters of parties and candidates do not necessarily affect political equality or objectivity. Neither do they have the corruptive effect so often associated with funding by the wealthy elite. They facilitate citizens' contributions of funding to parties and candidates' campaigns and sustain political parties between elections. I will revisit this point about citizens' financing in a later section, which discusses the trajectory of change.

Mixed Regimes

The mixed variation of the political funding regime is a blend of public and private funding systems. Its model variations include situations where parties receive funding from both state and private sources, with varying degrees of state and private contributions. A second model entails the state as the only provider of funding, and it can provide citizens with vouchers they can distribute to parties and candidates as they choose. A third model combines public and private financing principles, where business donates indirectly through the election management body (EMB; Bonotti & Nwokora, 2023).

A probable case for the mixed regime is that it sustains the positive elements of public funding, which basically puts the state at the centre of political funding. It also accommodates the notion of freedoms; for example, according to Birch (2022), the right to associate entails the right to donate to one's association. The mixed funding regime enables the expression of these freedoms through the financial and in-kind contributions made by private donors, commercial entities, and wealthy people to the campaign activities of parties and candidates.

In discussing the provenance of funding models in Europe, Dolgikh (2020) cites several distinctions between the mixed funding regime and the public and private systems already discussed. These differences include the ability to limit the maximum share of public funding in the revenue structure of political parties. Recipient parties may receive funding from the public purse that exceeds the revenues derived from membership dues, contributions from individuals, elected officials, and donations.

One would struggle to find the mixed funding regime in either form or content in the context of Africa. There are a few countries on the continent that maintain the funding regime types in their purest forms. Whether in European or other contexts, the mixed funding model has both positive and negative aspects of public and private funding. Just like in electoral system designs, mixed-member proportional representation carries both the strengths and flaws of first-past-the-post and proportional representation.

It is important to address the issue of regulation regarding bans, spending limits, requirements for financial reporting, and oversight of political finance. I have delayed in addressing this topic, not because it is less important, but because it is sufficiently explored in the literature. To borrow the words of Anthony Butler (2010), if money is essential, it is also dangerous. Therefore, whether it applies to developed or developing countries, the common motivation for regulating political funding is to prevent abuse and the buying of influence; it is also to enhance fair political competition, empower voters, and ensure transparency, accountability, and integrity (Fogg et al., 2003; De Sousa, 2005).

In what follows, I rely heavily on the International IDEA Political Finance Design Tool (2025). The reason is that the IDEA instrument is arguably the most authoritative, comprehensive, and user-friendly resource on this subject.

The challenge for regulation in any political funding regime is determining how much regulation is necessary and the modalities for enforcing it. In addition, it is important to determine whether statutory entities, such as the Registrar of Political Parties in most African countries where political funding exists, or EMBs, should oversee the administration of political funding.

The questions become even more complex in the current era of digital technology, where there is a significant shift from traditional to online-based campaigning and funding. According to the IDEA Political Finance Design Tool (2025), about 67% of countries globally ban foreign donations to political parties and 55.9% ban them to candidates. There are also bans against donations from anonymous entities to political parties in 56.1% of countries, and to candidates in 43.5% of countries.

On the other hand, about 70% of countries allow corporate donations as well as donations from trade unions. However, about 51.7% of countries, predominantly in Africa, place a limit on how much a donor can give. Most countries also impose bans against donations from semi-public and companies holding government contracts. About 32% of countries that permit private funding by corporates place caps on political parties' spending, whereas 46% do the same regarding candidates. The rationale for these measures is levelling the playing field so that parties and candidates endowed with financial resources do not trample on the interests of those without.

For the rest of the permissible political funding activities, across all three regimes discussed above, the regulation requirements are that recipients must disclose details about the 'who', 'what', and 'how much' regarding the funding or donations. In some cases, such as in South Africa, the discourse only applies for funding above R100,000.00 (roughly $6100.00), whether in cash or in kind. The law imposes a similar threshold declaration obligation for independent candidates and donors within three months of receiving the donation. In the case of donors, the law stipulates a 30-day period within which they must declare the donation. The IDEA data shows that 76.7% of countries globally have requirements for this kind of reporting. Out of these, 59% specifically demand reporting on campaign finances, while 66.3% of countries also require candidates to report on their campaign finances. Lastly, 60.1% of countries require that the reports be public.

To conclude this section on regulation, it is important to acknowledge that some experts are not too optimistic about regulation, especially disclosures and spending limits. One such voice is that of Alejandro Poiré (2006), who argues that the disclosure requirements do not necessarily stop corruption. Instead, they only partially weaken it, as politicians and donors will simply find other ways to pursue the fulfilment of their political ambitions. That would means that political funding, whether public, private, or mixed-regime, has positive and negative implications for party systems.

The implications pertain to both regulated and unregulated interactions within a political system, in terms of the number of political parties, their interactions among themselves and with society, ideological differences, and the stability of the balance of power in all spheres of competition. This includes the electoral, parliamentary, and governmental arenas (Bértoa & Enyedi, 2021). For example, in Southern Africa, one of the positive implications of political funding is that it has enhanced a multiparty system. Emerging from liberation politics, the region has been predominantly run on a dominant party system, with some countries even having had a *de facto* one-party rule. Most political parties which led at independence went on to govern for over 20 years.

The Botswana Democratic Party is one such example, having been in power the longest, from 1965 to 2024. There has been significant multiparty activity since the introduction of political funding in Angola, the Democratic Republic of Congo, Lesotho, Mozambique, Madagascar, Malawi, Namibia, Seychelles, South Africa, Tanzania, and Zimbabwe. Among these countries, Angola, Lesotho, and Mozambique are unique, because they also provide campaign funding to political parties.

A multiparty system is not without challenges. One issue is the proliferation of political parties and a surge in the number of independent candidates contesting elections. This is a negative implication of public funding for a party system. For instance, in South Africa, the 2023 electoral reform saw an unprecedented 79 political parties taking part in the 2024 elections. Out of these, 52 parties and 11 independent candidates contested at the national level. Overall, 14,903 candidates competed for 887 available national and provincial seats (IEC, 2025).

There is always a surge in the number of parties and candidates in countries that have political funding, ahead of elections. However, these numbers tend to decrease after the elections. The reason is that some people register political parties as an avenue to access political funding, especially where campaign funding exists. By way of illustration, the cases of Mozambique and Lesotho's political funding regimes are instructive here. Both countries operate mixed public and private funding. However, along with Angola, these countries are unique, as they are the only countries in Southern Africa which provide campaign funding (Shale, 2018). I reflect only on this subset of public funding given the word limitations in this paper.

During the October 2024 elections in Mozambique, the National Election Commission (CNE) facilitated campaign funding for more than 70 political parties. Out of these, only four – the Frelimo Party, the Optimist Party for the Development of Mozambique (PODEMOS), the Mozambican National Resistance (Renamo Party), and the Democratic Movement of Mozambique (MDM) – won seats in parliament. In other words, more than 36 political parties which received campaign funding from CNE lost in the elections. They are now bracing for the next elections, in 2029. Provided they have satisfactorily reported on 2024 election funding, they will again be eligible for campaign funds.

The above scenario contrasts with Lesotho, which, in addition to campaign funding, pays allowances for the party and candidate polling agents on polling day. During the October 2022 general elections, 52 political parties took part, with only 18 making it to parliament. In 2021, the Independent Electoral Commission in Lesotho (IEC), which is responsible for political funding, began enforcing the law on political funding accountability. Most parties could not account for the funds they received, particularly agents' allowances. It became apparent that the leaders of some parties used the funds as a patronage tool and did not transmit the money to all their agents but pocketed some for themselves. Since those elections, the IEC has commenced deregistration of political parties which fail to satisfactorily account for the funds in terms of the law, the *National Assembly Electoral Act of 2011*.

Both Lesotho and Mozambique are examples of countries that are amenable to democratic theory persuasions for a pluralism of voices and choices and a level playing field. However, both countries show that there is more work required to deter corruption and frivolity in the party system. Currently, the investment in political funding is not commensurate with the return in terms of the number of political parties obtaining seats in the legislature. In other words, political funding today enables the proliferation of political parties, most of which are not worth the public investment in them.

Veen (2007, p. 12–13) rightly notes that weaker parties lead to a weaker party system. Countries need high-quality, stable, and high-performing political parties to ensure a strong party system. Therefore, continued investment in political parties must be accompanied by full accountability requirements.

In my view, this must include accounting for the party's electoral performance. That is, under a public funding regime, there must be consequences for poor performance, just as there would be in private funding. There is always going to be a line never to cross if a party or candidate is to continue receiving private funding from an investor. Otherwise, political funding – especially the public funding part of it – would continuously breed more 'briefcase' parties. Furthermore, it would create the impression that people's views and choices expressed via the ballot do not matter, because the people or parties they reject in an election would continue to receive funding from the state. As Bértoa et al. (2023) aptly comment, proliferation diminishes the longevity of parties. It is counterproductive to durable politics and accountability, because citizens become unable to exercise their right to reward or punish.

In the next section, I turn to the transition in political funding, which shows how an evolutionary process has occurred from prior people-centred politics to today's more party-centred politics. (The latter phrase could also read 'elite-centred'.) In this new setup, citizens hardly have the room to participate and hold political parties accountable.

THE TRAJECTORY OF CHANGE IN POLITICAL FUNDING

To appreciate the trajectory of change in political funding, it is helpful to begin with its provenance. According to van Biezen (2008), political funding as we know it today is a relatively recent phenomenon, which gained importance in the period after World War II. She states that historically, political parties in the liberal democracies of Western Europe primarily depended on private contributions to finance their activities.

There is consensus in the literature that in early Europe, there existed a tripolar typology of political parties, based on sources of funding – namely mass parties, cadre parties, and catch-all parties (Hopkin, 2002; van Biezen, 2008; Mendilow, 2018). The income for cadre parties came from the wealthy elite and business. Mass parties depended on grassroots dues and union donations. The catch-all parties derived their support from an array of interest groups.

Simply put, the trajectory of change has been an evolution from a private funding regime, which was mass-membership-based, to a public (state-driven) funding regime. Mendilow (2018) offers a two-phase analysis to track this trajectory of change in political funding. He states that in the first phase, political parties were widely regarded as voluntary entities, supported by private sponsorship from party membership, trade unions, and other interest groups. The political transitions of the 1960s and 1970s were catalytic for the trajectory of change in political funding regimes. The introduction of welfare policies and the blurring of traditional, religious, and social cleavages meant there was no longer a premium placed on ideology as a rallying point.

In addition, political competition became stronger, with traditional sources of funding support dwindling, especially for underperforming parties. Voters' reduced commitments added to the already dire budget constraints. Consequently, political parties had to forage beyond the traditional sources of funding.

These circumstances led to a transformation of the party resourcing approaches, thereby ushering in the catch-all type of parties. A paradigm shift occurred from the consideration of political parties as private entities to being public utilities. In this change, which Mendilow considers the second phase of the trajectory of evolution, a link was established between political parties and the state. This nexus is one where parties perform a public function, and the state provides the means (public funding) to guarantee that function. Political parties no longer recruit to enlarge their membership funding base and facilitate citizens' access and participation – which Hopkin (2004) considers the closest to the 'democratic' ideal. Instead, parties primarily recruit to galvanise electoral support, driven by what Hobbes, in the 'state of nature' thesis, called the desire for self-preservation. Hence, the threat is the potential loss of power, not funding gaps. The state is now almost the primary provider of public funding.

The new paradigm, which began treating political parties as agents of public interest, has effectively led to the emergence of a fourth typology of political parties, the cartel party. According to Katz and Mair (1995), who developed the cartel party theory and coined the term, the change from mass party to cartel party is a manifestation of political parties entrenching themselves in power using the fiscus. In doing so, these parties have become more distant from their electorates.

In addition, cartel party theory suggests that the state not only becomes an institutional structure of support but also effectively keeps outsiders, or new entrants, out of the party system. The parties themselves become part and parcel of the state. They are no longer the go-between between citizens and the state.

In other words, political parties' ability to collude to secure the support of the state machinery makes them the sole beneficiaries of the dominant-party system. This is a zero-sum game. The party system also serves, in the bigger scheme of things, as a structural incentive for two important objectives. The first is the ability to block access for new parties, as the theory suggests. This deficient aspect of the party system deprives citizens of the opportunity to benefit from the ideas of any parties that the system shuns. Second, the party system not only shields dominant parties from the electoral consequences of their aloofness and detachment from society (Shale, 2018); as often occurs in African countries, it also leads to the manipulation of the electoral system and the broader electoral process to perpetuate dominance.

The theory of political ambition challenges the cartel theory's reliance on the excuse that the trajectory of change occurred because political parties were shattered by socio-political dynamics and the waning of donations from private funders. Ambition theory suggests that, instead, change occurred due to the ambitions of politicians on the one hand and the interests of donors on the other. Protagonists of this theory, such as Poiré (2006), suggest that politicians and the money they need to run for election are the key drivers of a market for political finance. He regards the cartel theory's dwindling private funding sources justification as tangential. For him, political finance is 'the problem of financing the career ambitions of professional politicians, something that is fundamentally, although not exclusively, done through political parties'.

Poiré (2006) further perceives political finance as being less about parties as organisations or bureaucracies and more about the collective endeavours of rational office-seekers. Buttressing his view, he posits that certain configurations of the market for political finance

> allow for normatively worrisome outcomes on different dimensions. This is especially clear once we realize that the market for political finance is dependent, as every other market, both on factors exogenous to itself (such as wealth inequality, the structure of media ownership,

> the level of literacy – and thus the effectiveness of alternative campaign strategies, the strength of law enforcement institutions, etc.) and on elements more proximate to it (such as the specific regulation dealing with the financing of politics, plus the constitutional framework of the party system). (p. 7)

Ambition theory acknowledges the equally important interests of donors in the market for political finance. The interest of donors, especially big businesses, has long been at the core of concerns about the malign influence of money in politics. In a study on party financing practices in 22 countries, Bryan and Baer (2005) found that many people attributed various types of corruption to the involvement of businesses in electoral and party politics.

Whether one considers the cartel party or ambition theories, the reality is that once the trajectory of change in political funding occurred in Europe, its consequences undoubtedly had ripple effects elsewhere to varying degrees. Whereas several developments attest to the ambition theory in African politics, one could argue that the cartel theory has not yet manifested within Africa as clearly as in Europe. However, some elements of cartel theory may be emerging in certain countries more than others. For instance, the theory is relevant for assessing the coping strategies that political parties in Africa adopt under conditions of diminishing funding resources. Nonetheless, this occurs within a context in which citizens are withdrawing their consent and general will, as envisaged in the Lockean, Hobbesian, and Rousseauian social contract theories.

It is common in Africa to see political parties entering post-election coalitions, which often serve as a way to save face and meet the requisite threshold for remaining in or gaining power. These coalitions are not necessarily based on ideology, nor guided by citizens' choices. It has been argued elsewhere (Kapa & Shale, 2014) that a plausible explanation for the formation of political alliances and coalitions is the office-seeking motives of political elites. The governing party and opposition elites have similar motivations and desires for access to state power – and by extension the benefits that go with public office. It is not hard to fathom why such coalitions tend to be fragile and marred by intraparty and interparty rumblings, leading to overall party system instability. As Hopkin (2004) correctly observes, a failure of parties to perform their characteristic functions is a trait associated with the emergence of the cartel party.

CONCLUSION

A couple of points are worth making in conclusion. Firstly, the notion that political funding is an essential cog for advancing democracy cannot be overstated. An environment in which public, private, and mixed funding regimes exist is an ideal worth pursuing. This is especially true given the post-COVID-19 context and an increasingly competitive political environment, aggravated by the use of digital and social media in elections.

However, as intimated in the introduction, there is declining trust in political parties as the cornerstone of representative democracy, along with failure by the state to perform democratically, which amounts to a recession of the legitimacy of the state. There is also the erosion of freedoms, justice, constitutionalism, and the rule of law. These factors combined make the introduction and management of political funding hard to achieve.

The second point is that the devil is in the details regarding political funding, in terms of operationalising the different regimes. I have attempted to show that political funding and the funding regimes have evolved from Western contexts. Hence, this paper has largely relied on Western scholarship to address the phenomenon of the trajectory of change in funding regimes. In the context of Africa, where there are unresolved historical, economic, and socio-political factors, funding regimes that seek to regulate political funding will take longer to work.

The questions around the adequacy of regulation itself, the intransigence of the dominant parties or coalition of parties to open the party system and give access to the independents and parties, and the determination of the funding and spending caps are some of the challenges that loom large. Therefore, regulating political funding involves walking a tightrope. One must consider the pressure points for those who want to capture power and those who want to retain it.

Thirdly, it is evident that the trajectory of change from mass party to cartel party political funding is not fully matured in the Global South as it is in the Global North. This evolutionary path not only affects party-political organisational change but also alters the party system. The article has highlighted that this change has resulted in the blurring of the separation between the political parties and the state apparatus, leading to a weak party system.

The fourth point is that conceptualising the trajectory of change in political funding as a product of a pragmatic reaction during a convulsive political transition, or thinking that political parties had no option but to adapt to the state's intervention, does not give a full picture. A complete picture must include the rent-seeking tendencies of the political elite. They actively participated in the shift, realising the prospect of a stable income flow through the treasury.

This brings me to the fifth and final point. It is no exaggeration to say that political funding has, by and large, affected the centrality of political parties and candidates as agents of a social contract and as vanguards of voluntary political consent. A combination of all these points has the net effect of militating against the institutionalisation of political funding, especially in the Global South.

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STRENGTHENING DEMOCRATIC GOVERNANCE THROUGH TRANSPARENT AND EQUITABLE POLITICAL FUNDING

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ABSTRACT

This article examines the nexus between democracy, elections, and political funding. A conceptual and normative analysis is conducted to explore these connections and their implications. The results of the analysis are integrated into a matrix, which depicts relationships among variables related to political systems, electoral systems, and types of political funding. A second layer is added to the matrix to include additional variables, such as political parties' ability to generate revenue, society's ability to fund political and electoral activity, the state's role in public funding, and the geographical distribution of voters. The discussion that follows the analysis illustrates how the matrix can be used in various contexts. It can assist in determining the nature of funding required for specific elections and what would be feasible and politically acceptable. The matrix focuses on predominantly conceptual and normative outcomes but offers opportunities for empirical testing through comparative studies or case studies.

Keywords: political funding, private party funding, public party funding, conceptual matrix

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INTRODUCTION

For many scholars, direct and positive correlations between democracy, elections, and party funding are axiomatic and not debated. The question in this paper is whether those assumptions are indeed true. A direct correlation between

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democracy and elections is regarded by many as self-evident, in that democracy is not possible without elections. However even the non-party, movement-based elections during the early Museveni years in Uganda were initially regarded as essentially democratic. The reverse scenario, namely multi-party elections without democracy, is also possible; this point is demonstrated by competitive autocracies and Fareed Zakaria's concept of illiberal democracies (Zakaria, 1997). It therefore appears axiomatic that democracy must include elections, yet democracy is not exclusively about elections.

The debates in the *Journal of Democracy* and several other publications in the 1990s about procedural and substantive democracy highlighted the varying definitions and public expectations of what democracy is, and what it can deliver. For example, elections are much more prominent in procedural democracy than in substantive democracy. Yet a striking feature of such discussions about electoral democracy is that scholars seldom incorporate the nature of party or candidate funding as a determinant of democracy. Generally, funding is included as a constitutive element in the concept of 'electoral integrity', not as a prerequisite for electoral democracy. The absence of political funding as a potentially important factor occurs in works as diverse as Bingham Powell (2000), McHenry (2000), the Global Strategy Democracy Initiative (2024), and Diamond and Morlino's (2005, p. x–xii) edited publication on the quality of democracy. Diamond and Morlino (2005) included 'alternative sources of information' as an indicator of democratic quality, but they said nothing about the sources of political funding.

It is therefore a research priority to determine how political funding relates to elections and democracy in general. Once the research focus rests specifically on party and candidate funding, it seems logical to propose a link between funding type and democracy type. Funding is normally associated with the values of transparency, accountability, ethical conduct, and a level playing field, especially during election campaigning. As an example of this association, Transparency International (2023) referred to the UN General Assembly's Special Session against Corruption in 2021, which focused on ensuring transparency in the funding of candidates, political parties, and campaigns. The session dealt with illicit funds in politics, digital reporting and disclosure systems, oversight and accountability for political funding regimes, civic engagement and public participation, and international cooperation.

My discussion does not concentrate on specific case studies of political funding. Hence, this article does not follow a descriptive empirical approach. My argument is more normative and conceptual in nature; I employ deductive logic instead of an inductive case-based method. The deductive approach does, admittedly, involve a degree of generalisation. By 'normative' is meant that the norms typical of a democratic dispensation – namely, practices and behaviour widely accepted as the best practice and as good – provide guiding principles for analysing the relationship between political financing and democracy/elections.

Political financing is not conceptualised here as an activity on its own in relation to parties, candidates, and reporting institutions. Instead, it is viewed as an enabler of political activities, which might or might not support democratic values. Accordingly, I propose that political funding stands in a relationship with the broader political processes and political culture. The paper explores that conceptual hypothesis, and the discussion thus does not follow a case-by-case or comparative basis but proceeds in a generalised, deductive manner.

The rest of the paper is structured as follows. The first part of the discussion focuses on the relationship between political parties and democracy. In brief, parties are key participants in elections, and elections are a crucial component of democracy. Different types of parties, the systems they constitute, and the electoral systems in which they participate are critical factors in this relationship. The second section takes this idea further and explores why political funding is so important for parties. For what purposes do they need the funding, and which of the party functions in particular are dependent on funding?

The functions of parties are linked to different types of funding, which is the focus of the third section. Private funding, public funding, and foreign funding are the main sources that parties can access. Parties differ on which types they prefer and which they can access most easily. Funding sources are normally thoroughly regulated, partly because of the impact they can have on the democratic quality of elections and other party activities. In the final part of the discussion ('Social Considerations of Political Funding'), I provide additional context regarding political funding. The section is informed by the focus articulated by the International Institute for Democracy and Electoral Assistance (IDEA) on 'money in politics' (International IDEA, n.d). This component is related to digitalisation, transparency and anti-corruption, diversity and inclusion, and corporate political responsibility.

DISCUSSION

The Analytical Proposition: Parties and Democracy

This section explores the relationship between political parties and democracy as well as the implications of funding. I propose that the nexus between political parties, party members, and democracy has direct implications for political funding. The correlations between these three elements are therefore conceptually explored and presented. This work provides the analytical propositions for the discussion that follows it, as well as other empirical studies (comparative or case studies) that might be conducted in the future.

In situations where classical direct democracy or John Dryzek's (2002) deliberative democracy is absent, representative or party-based democracy is the most prevalent democratic form. This type of democracy cannot function without funding for the people and events that serve as the public's intermediaries; the intermediaries encompass political parties, elected public representatives, and the elections. Anthony Butler (2010, p. 1) stated this idea explicitly: 'Money is essential to the operation of any democracy.'

Except as a legal entity, political parties cannot exist on their own. The core of a party comprises members of the public who support the party, representatives elected by the public, and employed party officials. Political parties are accountable not only to their members for their actions but also to the public in general, particularly supporters who are not members. Based on party membership statistics, it is evident that in some countries – including South Africa – by far the most votes received by parties in elections are cast by supporters who are not party members. Furthermore, although political parties are private legal entities, most of their activities are in the public domain. This means they are far more publicly accountable for their actions than are other private institutions.

Most democratic theories presume that parties' actions should be directly related to the public interest. The role that parties can play in social contract relationships are determined by at least three variables. The first is how the party system operates within the electoral system; the second is the different types of political parties; and the third is a party's ideology or position on the political spectrum. In each instance, the concomitant consideration could be worded as 'What are the financial imperatives?' The varying outcomes help to explain why, even among states that appear very similar, political funding imperatives are not always the same. For that reason, generalisations about political funding are often not well justified.

The above assumption can be dissected by looking at political characteristics that presumably have an influence on democracy, such as party systems, electoral systems, and types of parties. In categorising party systems, as Giovanni Sartori (1976) did, a distinction is evident between competitive and non-competitive systems – a notion that can also be linked to single-party, two-party, and multi-party systems. In the competitive category, Sartori included the following: a predominant party system, a two-party system, a moderate or limited pluralism system, polarised or extreme pluralism, and an atomised system. Sartori's categories engage with both democratic and undemocratic dispensations. However, he did not identify the implications of party funding for each type. A preliminary conceptual analysis of such implications is therefore provided here.

Non-democratic dispensations experience relatively few challenges related to political funding, as only one party is dominant and it has direct access to state resources. The opposition is starved of funds, as an integral characteristic of the autocratic project. The competitive category, by contrast, is the one with political funding implications. In a two-party system, for example, the scope of policy challenges related to party funding is less extensive than in a system of extreme pluralism. In the latter setting, multiple parties will expect a fair political funding dispensation.

Similarly, I suggest that different electoral systems also have political funding implications. Systems range from all the varieties of proportional representation to single- and multi-member constituencies. Proportional representation systems are premised on political parties being the main participants in elections, and parties determine their own lists of candidates. The focus is thus mainly on parties, which means the prominence of political funding is well defined.

In the case of constituency-based systems, the situation is more varied. Individual candidates are either nominated by their parties or can stand as independent candidates. For party-nominated candidates, their funding normally depends on the party's campaign strategy. Parties that pursue a national or centralised campaign usually focus on campaign financing from the centre. Those with localised campaigns, on the other hand, have to decentralise their funding. By contrast, independent candidates are responsible for their own political funding and normally depend largely on private donations made to them.

The third variable in determining the role of parties and funding is the type of party. Examples include mass parties, cadre or elite parties, catch-all parties, and cartel parties (Duverger, 1976; Katz & Mair, 1994; Krouwel, 2003). In this paper, I presume that the party type directly affects the party's budgets and expenditures. All party types are highly dependent on various forms of political funding, and cartel parties are explicitly dependent on public funding. Generally speaking, the degree of financial need of most party types is influenced by the electoral system and the nature of the party system in operation.

Democracy is the third element of the nexus presented in the introduction. How do the various dimensions of political parties and funding relate to democracy? To respond to that question, this paper suggests five relational aspects. The first is about how political parties enable implementation of the democratic principle of public representation. Because direct democracy is no longer practically possible, the election of public representatives is the only alternative for the foreseeable future. Parties and elected individual representatives are identified in elections to act as agents of the public in legislatures and executives. Responsibility for decision-making is therefore delegated by the public (voters) to them. This 'public contract' demands of the public representatives (and their parties) to be accountable to their public constituencies. Depending on the applicable electoral system, the focus for accountability is either on the representatives' political parties or directly on them.

The second relational aspect is the presence of a multiplicity of competitive choices. This aspect refers to the range of political choices made available to the public by the parties. The political economist Joseph Schumpeter (1950) used the analogy of democracy and elections as a 'market' with a wide range of 'products' on offer. The public are the consumers or clients, who must choose from among the available political products. From a political funding perspective, political parties must 'invest' in their products, namely their public representatives and policy preferences, and advertise their products to the electoral public. These party investments broaden the options of the electorate and improve the quality of contestation among electoral candidates. This conceptualisation was also embraced by the democratic theorist Robert Dahl (1971). For Dahl, the contestation between candidatures is one of the two key pillars of multiparty democracy (or 'polyarchy', as he called it).

The third relational aspect is that political parties use democratic means for regular renewal of their social contract agreements with the voting public. Elections are an opportunity for parties to compete for the status of becoming the majority party or government. In this context, elections amount to a public assessment of the successes and failures of the incumbent governing and opposition parties. For all these actors, the election is an opportunity to reformulate the public mandate granted to an incoming government. Elections are thus a periodical reprogramming of the relationship between public representatives (party members) and the public.

The fourth relational aspect deals with a specific component of the philosophical social contract. In a contemporary democratic context, the government of the day is a direct product of elections. The democratic view of the social contract includes an agreement between the state and citizens about how public authority should be organised regarding legislative, executive, and judicial powers. In some countries, all three levels are established through elections. In others, elections are mainly in the legislative sphere (i.e., parliamentary systems); in yet others, elections are held for both legislative and executive authorities (i.e., presidential systems).

A government in either of the latter two systems becomes, in practice, an agent of the state. It can exercise powers on behalf of the state, but with the proviso that it must publicly account to the citizens – who are not members of government – for its use of that authority. If the citizens in a democratic dispensation are dissatisfied with the representatives, they can replace them with another governing party(s) through an election. Elections are therefore a means of enforcing public accountability. Where a government's results are unacceptable to the public, an election provides an immediate remedy by establishing a new government.

The fifth relational aspect deals with political parties' internal democracy. Internal democracy in parties, according to De Vos (2015, p.30), is about democratic participation by members in party activities. This includes formulating party policies, participating in the nomination of party candidates for public elections, and electing the party leadership. De Vos (2015, p.33) stated that strong participation in internal party activities improves the general quality of democracy in a state. The logic of internal democracy is that political parties are not free-for-all organisations but are, instead, similar to other private civil-society organisations. They are governed by internal policies and procedures regarding membership, participation, decision-making, accountability of party leaders, and internal discipline. Party members who are elected as public representatives are subjected to more internal regulations than ordinary members with regard to their public pronouncements, use of social media, ethical conduct, and other public actions. Political parties' constitutions determine how leaders are elected and party policies are formulated.

Internal democracy refers to the fact that the general principles of democracy should be imbedded in party constitutions. The logic is that a party with undemocratic internal practices cannot be trusted by the electorate to abide by, and apply, democratic norms in public. For party members to promote democracy in the public space, the party itself must internally apply the same democratic principles.

A general conclusion of this section is that political funding cannot be approached in a generic sense. Three main variables must be considered in determining why political funding is so important for parties and candidates and what type of funding is prevalent in a specific case. The first variable is the party system that exists in a political environment; this component includes how the party system operates within the state's electoral system. The second variable is the type of political party, and the third is the party's ideology. Continuing with this line of thought, the next section addresses why political funding is so important for political parties and candidates.

Why Funding is Critical for Parties and Candidates

Societal organisations share certain features and characteristics. These include the human resources doing the organisation's work; administrative staff; infrastructural resources, such as offices, information and communications technology, and transport; and financial resources. Financial resources are needed to pay for the operational costs, maintenance, and development of all other resources.

Political parties are societal organisations, yet a unique feature is their participation in elections and campaigning for them. Campaigning is a form of public marketing of the party and its candidates. The 'products' the party sells do not generate direct revenue but are rather a cost for the party, although they may generate short-term revenue through donations. The main benefit of an increase in voter support for a party is a less tangible increase, in terms of building the party's public reputation.

Once a party is in government, the advantages and rewards will increase, because the party can implement its own policies as public policies that are applicable to the whole country. In the position of government, it can also reduce its human resources and marketing expenditures, because many of its members and officials will be remunerated as government members and officials. Its policies are implemented as government policies and 'advertised' as part of government's implementation of them.

Individual and independent candidates who stand in elections experience a more complicated situation. Their public visibility occurs mainly around the time of elections. The resources available for their political activities are even less than those of political parties. On the other hand, their organisational or infrastructural expenses are also less than those of parties.

The conventional revenue sources of political parties include membership fees; external private donations by individual supporters, members, and corporate sponsors; the return in interest on the party's corporate investments; and donations in kind. The latter may include donated office facilities, means of transport, volunteer assistance, assistance for big events, food, sponsored T-shirts, and much more. In addition, public funding from state resources has become increasingly important as a component of political funding. It is an important mechanism to overcome the uncertainty and fluctuations of private-generated revenue.

Parties normally experience an increase in private-source revenue at the time of elections. In periods between elections, which usually last four to five years, their revenues decline even though their organisational liabilities remain unchanged. Partly for this reason, in many countries the period between major elections has been shortened by mid-term elections (in the USA) or by separating national and local elections and holding them in different years (in South Africa). Another approach is the use of a presidential term of office that is longer than the parliamentary term (such as the previous seven-year term in France). Holding more elections can solicit more income or donations. However, party expenditures increase with each additional election. Hence, a balance is required from parties regarding more elections versus more revenue and expenditure.

A party's financial resources are an important determinant of how the party conducts its election campaign and competes against other parties. The implications are as follows. First, financial resources have a major influence on the party's *communication strategy*, particularly regarding high-cost options such as big rallies in stadiums, television advertisements, advertisements on billboards, or the printing of thousands of party posters. Less costly options are social media, access to conventional media, distribution of campaign pamphlets, and party T-shirts. The communication strategy is also determined by the target audience the party has identified or regards as its main support base. A high-cost communication strategy is normally required for urban environments, where communication is mainly digital or electronic and is designed for concentrated audiences. Less costly communication strategies depend mainly on party volunteers and face-to-face communications in less densely populated areas, such as rural areas, where big rallies and billboards would not be cost-effective and digital connectivity is often unreliable or absent. Overall, budgets and access to readily available financial resources are serious considerations in deciding on a party's communication strategy.

The second implication is a party's *style of campaigning*. Again, the use of social media, big rallies at stadiums, and advertisements on billboards or in the media are campaign styles that are impersonal and focused on where audiences concentrate. Some methods are predominantly digital. A campaigning option is door-to-door and face-to-face party communication, combined with the use of pamphlets, party posters, conventional and social media, and smaller public meetings (The Electoral Commission, UK, n.d.; Parker, n.d.; Anything Political, 2024). The first campaign style depends on a large campaign budget, while the second requires less money and more volunteer support.

The cost implications can be influential in determining the communication strategies and campaign styles of parties and candidates. A large budget enables a centralised approach consisting of big events, costly public and media advertisements, and extensive use of social media. This approach requires large donations by corporate sponsors. It is the typical approach followed by political action committees (PACs) and super-PACs in the United States, who serve as fundraisers in support of individual candidates, although they are not officially part of the candidate's campaign (GovFacts, 2025). Such an approach has not been widely used in African states so far. A more conservative campaign budget would probably result in a less centralised and more face-to-face communication and campaigning approach. These types of campaign typically depend on party volunteers and focus on local party constituencies; they often rely on smaller donations from more donors.

The significance of the above points is that they not only depend on, but also influence, the main constituencies or focus areas of political parties. It is logical that all parties want to maximise their public support but often cannot afford campaigns that will focus on everyone. A party needs to know who its constituency is and where potential for new support growth is located. Prominent in the United States for many years already, and gradually spreading to other parts of the world – including African countries and specifically South Africa – is the role of campaign consultants. They assist parties in generating empirical evidence to guide the party in taking on the matters mentioned above. They come at a high price for parties or individual candidates.

Bill Clinton as a presidential candidate, for example, relied strongly on focus-group results to direct his campaign decisions. The American consultants Stanley Greenberg and Frank Greer assisted the African National Congress in South Africa in 1994 in the same way (Brownstein & National Journal, 2013; *The Roanoke Times* 1994). South African market research corporates also conduct private opinion polls for parties to enable them to take evidence-based decisions. Examples include Ipsos Markinor (Thorne, 2024) and research non-government organisations such as the Social Research Foundation (Hogg, 2025). These services are very costly and only the biggest parties can afford them.

Reliable evidence is crucial for parties to understand where their most likely support bases are located and whom to target. If a party's target constituency is the youth, then social media and other digital means would probably be the preferred campaign instruments. If the target constituency is mainly urban, a centralised campaign strategy would be cost-effective. A rural constituency would be best served by a door-to-door approach, combined with the use of conventional media. A party constituency that can be defined by social status or income groups presents a specific set of financial demands for parties and how they should design their campaigns.

Up to this point, my discussion has focused on the interaction between political parties and financial resources. The next step is to consider how access to these resources can affect democratic outcomes for both the parties and the public. It is only possible to generalise here about the interaction between parties' resources and their influence on the democratic environment. It should be immediately clear that specific cases may differ from these general observations or may include unique qualifications of the general principle.

Parties with sufficient funding and resources are in a good position to implement internal democratic practices, such as elective and policy-making conferences that include a wide spectrum of members. More communication will be possible to keep the membership informed; more meetings will be possible, and more members can participate in them, because expenses like transport and accommodation can be afforded. Greater campaigning in elections will be possible, and relatively expensive forms of campaigning can be used to reach new voters and potential supporters. However, abundant funding can indicate that many donors – and probably large ones – support the party. This situation has the potential for donors to develop undue influence within the party, which can be to the detriment of the party's members. It can also negatively affect the party's internal democracy. Beyond that, should the party become part of government, there could be wider effects. This point demonstrates the importance of including political funding accountability in regulations about national elections. Such laws should be combined with maximum thresholds for what private donors can contribute to parties.

In the case of parties with fewer financial resources, the following implications are the norm. There is greater dependence on unpaid volunteers and internal resources than on external service providers, consultants, and paid staff members. More direct forms of campaigning, such as face-to-face and door-to-door, are generally used instead of large-scale, virtual, or centralised campaigning. Large rallies and expensive advertisements tend to be challenging. These parties often depend on supporter donations and selling of party merchandise as sources of income. However, the quality of leadership and managerial skills in a party can compensate for a lack of financial resources.

It is not possible in this discussion to conclude that there are direct positive correlations between the financial resources of parties, their internal democracy, and the quality of democracy in general. Any such correlations would be influenced by intermediary factors, such as the party system in a country, the electoral systems, and the types of political parties at play. Nonetheless, what is critically important from a democracy perspective is that significant discrepancy in the resources of the parties that participate in an election would pose a serious threat to the democratic landscape. A regulatory framework to counter such discrepancies is therefore non-negotiable, as a relatively level playing field is an integral part of democracy. However, such levelling will benefit the parties only with regard to achieving equal opportunities in the elections; the election outcome will depend largely on how the opportunities were utilised.

Now that the reasons for the importance of political funding have been considered, the different types of political funding can be explored. I also examine whether funding types correlate in any manner with different forms of democracy. For this purpose, the following discussion concentrates on private donor funding, public state funding, and foreign funding.

Types of Funding: Private, Public, and Foreign

The system and nature of political funding differs among states, and no specific formats are globally dominant. Most states allow for a combination of private and public political funding, but the relative weights they carry differ (Janus, 2024). In 127 states, which is the majority globally, foreign political funding is prohibited; it is allowed in only about 70 states (Rogan, 2024).

It is a general phenomenon that the annual budgets of most prominent parties in their countries have become very large. Because of the impact of funding on the activities of parties, specifically in democracies, it is crucial that party funding should not result in an uneven political playing field and that funding regulations are not used to suppress some parties or political ideas. In most democratic states, the use of public political funding as the only source of party funding is practically impossible. The large financial requirements of parties simply cannot be reconciled with the fiscal discipline that most states have to practise at the moment.

If the opposite option is chosen, namely only private political funding, the party will depend on voluntary private donations, returns on its investments, and similar sources. Private foreign funding is always an undercover and mostly illegal option. The problem of large party budgets in the case of public funding also applies to private funding, although the funding sources are potentially infinite and not limited by parliamentary decisions. On top of that are possible conflicts of interest, ethical complications, compliance in terms of public declarations and accountability, thresholds for the amounts of donations, and the uneven spread of private donations to diverse parties.

A middle position is possible, one that balances private and public funding. This takes the form of private donations to public funds, which are then distributed to political parties as part of the public funding formula. South Africa recently implemented this option in the form of the Multi-Party Democracy Fund, which is funded by private donations. The South African experience so far is that this option is not very popular among private donors, who still prefer to donate directly to the party of their choice (Independent Electoral Commission [IEC], n.d.).

The question arises whether a state's level of development, or its party system, can influence the form of political funding that is chosen. For example, in most states with high gross-domestic-product levels of economic development and strong democratic traditions, the private sector is prominent and has an interest in the government's fiscal and trade policies, labour market regulations, and investment policies. Its engagement with the political environment is rather predictable, including donations for elections and other political activities. By contrast, in other highly developed states, such as China and Singapore, the private sector has to be loyal to the governing party (Baharudin, 2025). Its involvement in the political domain is very different and might include donations to the sole governing party; the intention here is not to promote multi-partyism.

In less affluent states, the private sector is relatively small and has fewer resources available for private political funding. It is almost axiomatic that public funding will be more prominent than private donations in such settings. However, the national budget is not sufficiently resourced to fund political parties at a level that would satisfy their needs; hence, even public funding is limited. High-middle income states such as South Africa, Brazil, Mexico, and Türkiye generally opt for a hybrid funding system of private and public funding. For lower-income states, this choice is less feasible. This point might explain why so many states in the latter category find it difficult to establish an electoral democracy. Indeed, unequal access to funding, which is in any case manipulated by the ruling party, is typical of most autocratic dispensations.

The competitive nature of a party system has direct implications for political funding. Sartori's categories of competitive systems are generally associated with relatively high levels of political funding. Less competitive systems have less evenly spread patterns of funding, which tend to favour the incumbent governing party. In most instances, the main opposition in a non-competitive system does not have easy access to public funding, and its private funding sources are curtailed. Such private funding is often negatively labelled as 'foreign funding' that is intended to support regime change. Opposition parties and presidential candidates in Russia (Kesarev, 2022), Venezuela, and several African countries – including Zimbabwe, Rwanda, and Cameroon – have suffered this fate.

It is therefore important to study the relationship between the type of party funding and the competitive nature of the party system, as well as the presence of a democratic or autocratic electoral dispensation. Again, these relationships are not presented here as absolute correlations. Exceptions exist, and others may appear in the future, but the trends generally provide some evidence in support of the logic presented here.

Another aspect about public funding that deserves attention is the criteria used to determine the financial allocations to each party. In South Africa, the criteria are proportionality and equity. In addition, funding is given only for national and provincial elections, not for local elections. Funding also applies only to parties that already have a presence in the national and provincial legislatures before the election and are therefore not new. This implies a number of biased elements encapsulated in the funding system, namely, such funding rewards parties' performances in the previous election but ignores political developments since then, including recent political trends – which may be evident in by-elections, opinion polls, splits in parties, and so on. Equity is applied as a principle, ostensibly to compensate for the bias that favours the bigger parties in terms of the proportionality criterion. But the weight of equity is so low – in South Africa, it accounts for 10% of the total – that the equity compensation is almost negligible. A fair set of criteria for public funding is therefore very important.

Foreign funding is, as I have indicated, controversial. According to the International Foundation for Electoral System (IFES), 53 states allowed foreign funding for their political parties, whereas 127 did not (Rogan, 2024). The source of foreign funding is often related to parties' international networks or alliances.

Many parties are linked to like-minded international collectives, such as the Socialist International, Liberal International, International Democratic Union, the Christian Democratic International, and the Former Liberation Movements of Southern Africa. Party blocs exist in the European Parliament on a similar basis, such as the Christian Democrats group, the Left group, the Review Europe group, and the Patriots of Europe. Some parties are also associated with international foundations or non-government organisations that have similar ideologies in other countries, such as the German and American foundations. Because of their similarities, funding is often a possibility.

Foreign funding is regularly seen as a potential security threat, especially regarding major powers that want to influence the outcome of an election in another country in their favour. In other instances, foreign funding is given to opposition parties or candidates in autocratic conditions, where those parties cannot function without external support. Foreign funding is then treated by the incumbent government as an attempt to support 'regime change'. According to IFES (Rogan, 2024), even in well-established democracies, the potential for external interference is so high that they do not allow it.

In conclusion, the formulae for political funding differ significantly among states, and no global consensus on this matter is on the horizon. The relationship or association between funding and democracy is also not a direct or linear one. Local conditions and considerations appear to dictate a state's approach to political funding. As mentioned at the start of this paper, it is noteworthy that literature on the quality of democracy does not seem to include political funding as a potentially important variable.

Social Considerations of Political Funding

The International IDEA is an intergovernmental organisation that was established in 1995 by 14 founding states, including South Africa. One of its focus areas is 'money in politics'. Although the financial relevance and implications for politics are impossible to capture conclusively, International IDEA (n.d.) concentrates on four relevant social considerations, in the context of elections in particular.

The first point is how digitalisation has transformed political campaigning. Online campaigning enables political parties to reach more potential voters than is possible with direct or general media campaigning. International IDEA identifies challenges associated with digitalisation, such as the source and destination of online expenditures and the lack of oversight bodies' capacity to enforce public accountability. Furthermore, International IDEA addresses the implied costs of digitalisation, the access of eligible voters to social media, foreign interference through social media, and the indirect funding of parties and candidates by providing digitalised platforms for their campaigns. Because of cost implications, communities in low-income countries have relatively limited access to online campaigning. Parties that focus on these communities as potential supporters are less competitive than parties or candidates whose supporters are more digitalised. Direct political funding cannot ameliorate this shortcoming, which is essentially a socio-economic issue.

The second of International IDEA's focus areas is transparency and anti-corruption. Its point is that it is difficult for voters to make informed decisions when they do not have information available about the funding of elections, including the sources of that funding. Lack of transparency also increases the potential for corruption and erodes public trust in electoral institutions. International IDEA stated that this point relates to the UN's Convention against Corruption and to Sustainable Development Goal 16.5 ('Substantially reduce corruption and bribery').

As already discussed, transparency in political funding is one of the most serious challenges for oversight bodies and those managing funding, such as the IEC in South Africa. Under-reporting appears to be the norm. Alternative means of funding, such as fronting or funding in kind, are very difficult to monitor. Furthermore, the minimum thresholds for reported donations may be set too high. These issues all provide opportunities for corruption or unethical political conduct. Campaigning in the form of soliciting small donations from party supporters and members appear to be unattractive for most parties. Overall, the lack of transparency – or its manipulation – is arguably the most complex element of managing political funding.

Social diversity and inclusivity in political participation is International IDEA's third focus area. The organisation identified gender identities, indigenous people, and people with disabilities as social categories for which the opportunities for political participation are negatively affected by financial barriers. Social prejudices often determine who is financially supported and who is not. Campaigns that require parties to provide special materials or equipment for people who are blind, deaf or have other disabilities are often neglected because of the additional costs. The nature of the electoral system can play a role in inclusivity. For example, proportional representation systems may provide a relatively high level of inclusivity regarding diversity on the party lists. By contrast, constituency-based elections are much more focused on the individual person, which makes inclusivity more difficult and financial discrimination against specific categories of persons more likely.

The fourth focus area is corporate political responsibility, taking a cue from the notion of corporate social responsibility. For International IDEA (n.d.), the term refers to corporate political activities such as campaign donations and lobbying.

These activities provide an opportunity for the private sector and interest groups to participate in politics as part of civil society, thereby extending the participatory nature of democracy. The use of corporate lobbying depends strongly on the national political culture. For example, in the United States, lobbying is an integral part of political activities, whereas in South Africa it is far less formalised and happens mainly at the individual level. Overall, International IDEA's notion of corporate political responsibility provides a conceptual opportunity to develop a precise framework regarding the expectations for roles that the private sector can play in political democracy.

CONCLUSION

The discussion in this paper confirms the notion that a democracy cannot exist without elections, and this relationship has implications for political funding. It is an uncontested fact that elections involve campaigning and therefore require financing, which, logically, renders financing a hard requirement of representative democracy. This situation creates a democracy–elections–funding nexus.

The discussion furthermore led to the conclusion that, on its own, this nexus is insufficient to determine the role of political funding; other variables are also relevant for workable analytical propositions. Such variables include political party systems, electoral systems, and the different types of political funding. In my conceptual analysis, factors that emerged as relevant were parties' ability to generate revenue, society's ability to fund political activities, and the role of the state in such funding. The demographic nature of a society in terms of where the electorate are concentrated geographically also matters. The paper examined how these variables, among other possible ones, partly determine the nature of the funding required for elections as well as what is feasible and/or politically acceptable.

Based on this discussion, a combination of all the analytical propositions makes it possible to establish a matrix consisting of the relevant variables. The matrix has wide potential for application and helps focus research attention to anticipate the political financing demands and implications that are present in different parts of the world. Nonetheless, it is not necessarily universally applicable, as variations are always possible. Furthermore, this paper does not present empirical case studies or comparative studies; it is conceptual and normative in its approach. The conclusions offered should therefore be further evaluated through empirical, comparative, or case studies.

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REGULATING POLITICAL FINANCE IN SOUTH AFRICA:
A Public Perspective on the Political Finance Act and Its Implementation

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ABSTRACT

South Africa's Political Party Funding Act 6 of 2018 *(PPFA) was enacted to promote transparency, accountability, and fair competition in the financing of political parties, with the Electoral Commission of South Africa (IEC) as the regulatory authority. The Act was amended in 2024 to include independent candidates and representatives and was accordingly renamed the* Political Funding Act *(PFA). The legislation regulates public and private funding, mandates the*

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disclosure of large private donations, and places an annual limit on donations from a single donor to an individual recipient party or candidate. It also establishes the Multi-Party Democracy Fund (MPDF, 'the Fund'), to which members of the public can contribute. The IEC administers the Fund and makes disbursements to all represented political parties and representatives in accordance with a formula established in terms of the Act. The IEC commissioned the HSRC to undertake a research study to examine the country's evolving political funding regulatory framework. Drawing on a module of questions fielded as part of the HSRC's 2024/25 South African Social Attitudes Survey, this article explores public opinion on the PFA and recent changes to South African political finance regulation. The article presents selected findings from the study, examining the public's views on the institutional role and capacity requirements for ensuring effective oversight and enforcement. In addition, the underutilisation of the MPDF is explored, considering the potential for tax and other incentives to encourage private contributions to the Fund. The acceptability and adequacy of donation disclosure thresholds are evaluated. Finally, consideration is given to whether South Africa should move from an income-based to an expenditure-based regulatory model to improve funding transparency.

Keywords: SASAS, political finance, *Political Funding Act*, regulation, public opinion, survey research

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INTRODUCTION

Private political funding in South Africa has become increasingly contested, with civil society having led a multi-year campaign to regulate it. The campaign, which included litigation, reflected wider international concerns over the transparency, equity, and accountability of private donors in democratic governance. Private money does have a place in democratic life, including support for political parties and individual candidates. Election campaigns are expensive undertakings that occur every two to three years, according to South Africa's elections calendar. However, private wealth may also exert undue influence over political parties' policy platforms and public governance. This risk is heightened in a context of deep and entrenched inequality. In a constitutional democracy in which all are equal before the law, the influence of private money in politics must be transparent and accountable.

At the time of writing, the South African legislative framework to regulate both public and direct private funding of political parties and independent candidates is the *Political Funding Act* (PFA). Furthermore, the Multi-Party Democracy Fund (MPDF) was established under the PFA to enable private contributors to support all represented political parties and independent representatives.

The Significance of Public Attitudes

Public attitudes and perceptions provide essential evidence and raise critical considerations when researchers assess the health of a democracy. Analysing public opinion can provide vital insights into the lived experiences of citizens in a democracy and the underlying rationales for their preferences, choices, decisions, and behaviours. A robust democracy depends upon public support for and trust in democratic institutions of governance; this includes how private political funding regulation is implemented.

Public evaluations of the effectiveness and credibility of these institutions are, therefore, particularly relevant core components of any evidence-based assessment of mechanisms designed to provide voters with essential information they need to cast a more informed vote. In this vein, the Independent Electoral Commission (IEC)[9] commissioned the Human Sciences Research Council (HSRC) to undertake a research study to examine the country's evolving political funding regulatory framework. Conducted between October 2024 and March 2025, the study investigated political funding regulation in the country. The researchers examined the appropriate institutional role and capacity requirements for effective oversight and enforcement as well as the underutilisation of the MPDF.

Drawing on the findings from that study, we explore various aspects of political engagement in South Africa, with a focus on political donations as a form of civic participation. We examine public attitudes, behaviours, and levels of involvement in donating to political parties and independent candidates, alongside the broader context of political interest and democratic satisfaction. We consider public concerns about the influence of wealthy individuals and elites on political processes through donations, as well as attitudes towards related financial regulatory frameworks such as the PPFA and PFA. The role and public perception of institutions such as the IEC in regulating and ensuring transparency in political funding are also discussed. Finally, we address public awareness, confidence, and willingness to engage with mechanisms designed to enhance multiparty democracy, such as the MPDF, and public support for political finance reform

9 The IEC is also referred to as 'the Commission' in this paper.

measures. The article highlights the complexities of public attitudes to the PFA within a context of growing dissatisfaction with the functioning of democracy in South Africa.

Background: The Political Party Funding Act

Transparency in political donations was mandated by a 2018 ruling by the Constitutional Court. The ruling concerned a legal challenge by My Vote Counts against the *Promotion of Access to Information Act 2 of 2000* (PAIA) for failing to ensure transparency in private funding for political parties and independent candidates (Porat, 2021, p. 504). The ruling represented the culmination of a civil society campaign lasting several decades, exemplified by (unsuccessful) similar litigation initiated by the Institute for Democracy in South Africa (Idasa) in the Western Cape High Court in 2005.

The Constitutional Court decision in *My Vote Counts NPC v Minister of Justice and Correctional Services (2018)* emphasised the vital link between the right to vote and transparency in political funding. The ruling stated that this information must be publicly disclosed so that voters know which donors may exert influence over political parties' policies and choices once they are in power. Ensuring accountability starts by requiring transparency.

Parliament complied with the Court's order and adopted the *Political Party Funding Act No. 6 of 2018* (PPFA), which came into effect on 1 April 2021. The enactment and implementation of the PPFA represented a crucial development to moderate undue influence in the country's political life. Donations from private individuals, corporate entities, and foreign sources were regulated for the first time, with the IEC designated as the regulatory authority. The PPFA regulates both public and private funding of political parties, promoting transparency through mandatory disclosure requirements aimed at curbing undue influence and corruption in electoral politics.

The Act created a clear regulatory framework for private political finance; it also established two funding mechanisms, namely, the publicly funded Political Representatives Fund (PRF) and the MPDF, which is open to private contributions that are allocated to all represented political parties. The Act outlines measures for monitoring, reporting, and enforcement. The legislation required the disclosure of private donations above the threshold of R100,000, limited donations from a single private source to R15 million annually, and restricted the sources and uses of funding from domestic and foreign donors. The PPFA obliges political parties to declare these donations to the IEC, which is then required to publish them quarterly. Political parties are also required to disclose to the IEC private donations that fall below the individual donation disclosure threshold. The IEC publishes a summary of all declared private donations received each year, together with a report on funds received and disbursed from the PRF and the MPDF.

Implementation of the PPFA

The IEC's implementation responsibilities include monitoring political party declarations, enforcing compliance with the legislation, and submitting annual reports to Parliament (Gerber, 2023). Mngomezulu (2022), however, notes that the IEC's enforcement authority is relatively limited, which potentially constrains its ability to effectively implement the PPFA, a limitation the IEC itself recognises (Nyathi, 2023). Khumalo (2022) notes that the IEC has endeavoured to build its capacity, including by appointing an external panel of independent investigators to look into allegations of undeclared donations. Dentlinger (2024) and Thuynsma (2025) have reported that the IEC's efforts to expand the capacity of its Party Funding Unit have been hampered by bureaucratic obstacles, such as budget cuts. The IEC (2024, p. 12) has also noted difficulties with external 'environmental' factors and building the required IT 'infrastructure'.

Political parties have responded in various ways to the new law since its enactment. The African National Congress (ANC) in its 55th Party Conference resolution (2023, p. 1) acknowledged that the PPFA would require the party to approach fundraising differently. According to Cowan (2022), the ANC proposed amendments to raise the current declaration threshold from R100,000 to R250,000 and the annual donation threshold to R50 million. The Democratic Alliance (DA) declared its disapproval of the PPFA, calling it 'hopelessly inadequate' (Shomolekae, 2021), but pledged compliance. In contrast, the Economic Freedom Fighters (EFF) argued that the PPFA forces opposition parties to innovate and discover new ways to achieve financial sustainability (Simelane, 2024).

As the PPFA mandates declarations from all political parties, independent candidates and independent representatives, Brierley and de Kadt (2024) argue that it is unclear how it supposedly disproportionately disadvantages opposition parties. However, the DA has long argued that, given ANC control over public procurement processes, donors who support opposition parties are likely to face challenges when submitting tenders for government business.

The law mandates the IEC to probe any suspected failure to declare donations exceeding the disclosure threshold (My Vote Counts & SANEF, 2022, p. 14). The relatively low number of political party declarations, only 12 according to the IEC's 2024–2025 first-quarter report, reflects both a concentration of donors and recipients and a deliberate effort to make donations marginally below the disclosure threshold, especially considering that 52 parties competed in the May 2024 national elections (IEC, 2024). Mahlathi (2023a, b) has suggested that the EFF might be discouraging donations exceeding the R100,000 disclosure threshold, thereby potentially circumventing mandatory donation disclosures to the IEC.

ActionSA leader Herman Mashaba announced his party's support for the PPFA (Mashaba, 2021); however, he also expressed concerns about possible harm to South Africa's multiparty democracy. The Inkatha Freedom Party supported the broadening of political representatives brought about by the PFA, but opposed the ANC's proposals to revise the threshold and cap, believing that they would undermine the Act's integrity (Chetty, 2023).

Implementation Approach: Progress and Challenges

There is broad agreement across the political spectrum that the PPFA/PFA has a crucial role in ensuring accountability through transparency. However, the IEC's ability to obtain access to accurate political party funding information is a persistent question, especially after some parties held large 2024 election campaign events while declaring no or minimal donations. Gerber (2024) highlights that ActionSA questioned how the EFF managed to organise a high-profile and elaborate 10-year anniversary celebration, despite a donation declaration of only R3.5 million for the third and fourth quarters of the 2023–2024 financial year. According to ActionSA, the discrepancy stemmed from a failure to enforce the legislation and the IEC's refusal to acknowledge and act on the vast difference between declared income versus actual spending on party and manifesto launches (Rall, 2024).

My Vote Counts further alleged that the MK Party did not disclose any donations from 1 October to 31 December 2023, which it regarded as unlikely to be credible shortly before the 2024 general election, and as necessitating IEC investigation. ActionSA also filed an application with the North Gauteng High Court 'to compel the IEC to disclose its record of decision for refusing to investigate the African National Congress' (ANC) R102 million debt settlement agreement with Ezulweni Investments'. ActionSA argued further that 'essentially, only a series of disclosed donations approximating the amount owed would be a legitimate explanation for how the ANC settled this debt in a manner that adheres to the PPFA' (Beaumont, 2025).

Compliance with the PPFA appears to be a challenge. In the 2022–2023 financial year, just 46 out of 531 registered political parties complied with the PPFA's requirement for financial statements, according to the IEC's 2023 annual report (Electoral Commission [IEC], 2023a, p.20). In the 2021/2022 first-quarter reports, only three parties – ANC, DA, and ActionSA – made declarations (IEC, 2022). Thirteen political parties lodged their declaration reports by the end of the fourth quarter (IEC, 2022). Despite progress compared to previous years, consistent compliance has proven difficult. The electoral court levied fines against the ANC, ATM, COPE, PAC, NFP, and AIC in 2024 for non-compliance with the PPFA's deadlines for submitting financial statements to the IEC (Allsop, 2024).

The IEC's primary constitutional duty is to ensure free and fair elections. The HSRC's Election Satisfaction Survey (ESS) data on the 2021 Local Government Elections showed that a large majority of South African voters were satisfied with the quality of IEC's provision of voting services. A public evaluation of the IEC, including levels of trust in the institution, however, revealed that trust in the IEC has been declining. The IEC's 2021 election indicators report (IEC, 2021, p. 32), using data from the HSRC's South African Social Attitudes Survey (SASAS), revealed that public trust decreased from 70% in 2010 to 41% in 2020.

However, it is important to bear in mind that trust in most democratic institutions has also experienced a significant decline since the early 2010s alongside diminishing general satisfaction with the functioning of democracy, reaching historical low levels during the 2020s (Davids, 2020). This decline in levels of trust in public institutions and political parties generally is a clearly discernible trend after the Gupta Leaks revealed the extent and scale of state capture, and the ANC's involvement, which were confirmed by the Zondo Commission of Inquiry into State Capture (Roberts et al., 2024). Nevertheless, the SASAS public opinion trend data demonstrate that while trust in democratic institutions such as local government, national government, and the national legislature has decreased substantially, the IEC remains one of the few state institutions that continues to be regarded as relatively trustworthy (Davids et al., 2024).

The 2024 ESS findings suggest that the public views the IEC as solely an election management body (EMB). Once the IEC's role in managing political finance disclosure becomes more widely known, this additional and more politically sensitive responsibility of political funding management may contribute to some erosion of public confidence in the Commission. An aggravating factor is the current climate of disinformation and personal vitriol. There are fears that South Africa's electoral environment, marked by the rise of populist strategies and narratives, deployed by some political parties, may affect perceptions of the IEC's credibility and its ability to deliver free and fair elections while also ensuring political finance transparency.

South Africa's economic and financial difficulties are well-documented. In recent years, budget cuts – a consequence of continued austerity measures (Clarke, 2022) – have negatively affected the IEC and other institutions supporting democracy established in terms of Chapter 9 of the Constitution. These budget cuts endanger democracy by constraining the IEC's operational capacity (My Vote Counts, 2022). Budgetary constraints do not represent a comprehensive explanation, however. The legislature's choice of provisions in the legal framework afford the Commission substantial powers of inspection and extensive investigation authority. The Commission is also given powers to issue directions, to withhold funding, to recover funds that have been irregularly spent and, with an order of the Electoral Court, to levy fines. The IEC has expressed some concern that the exercise of these statutory investigative powers must be balanced with the need for a substantial degree of voluntary cooperation required from political parties to ensure that it is able to fulfil its broader mandate of ensuring free and fair elections. The inevitable tension between these mandates appears to have contributed to the Commission's cautious approach to fully operationalising this second political funding mandate.

It is notable that the largest proportion of countries globally (80 of 181, or 44%) assessed by the International Institute for Democracy and Electoral Assistance (IIDEA) have also chosen to allocate this investigative responsibility to their EMBs. The proportion among 51 African countries assessed is 37%. Examples include Ghana, Nigeria, and Kenya, although the latter's EMB shares this investigative responsibility with the national auditing agency. In Zimbabwe, no institution is identified as bearing this mandate. Worldwide, only 21 countries (less than 12%) have mandated a specialised agency to fulfil this role, while only 9 (less than 5%) have designated an anti-corruption agency to undertake this responsibility (International Institute for Democracy and Electoral Assistance, 2023).

Despite progress since taking on this new mandate, the Commission has continued to face significant difficulties hindering full implementation of the PPFA, including budget constraints, staffing shortages and regulatory changes. Reporting to the Portfolio Committee on Home Affairs in May 2022, the IEC announced impending budget cuts totalling almost R800 million over a three-year period. These cuts represent a significant risk to the Commission's ability to effectively implement its mandates, including oversight of political funding.

While operating under these constraints, the IEC has adopted a pragmatic approach to implementing the PPFA, emphasising support for compliance during the initial rollout phase. IEC Chief Electoral Officer, Sy Mamabolo, explained this approach by stating, 'We do not want to be the party funding transparency police. We want to be the party funding transparency facilitators' (BizCommunity, 2021). The Commission thus acknowledged the time required to develop adequate oversight and enforcement capacity and placed significant reliance on political parties' self-regulation and voluntary compliance for effective implementation following an extensive IEC awareness campaign to support parties' implementation of internal systems to enable compliance. This approach reflected a realistic assessment of the IEC's current capacity limitations while pursuing the PPFA's transparency objective.

Budget cuts have compelled the IEC to cancel or curtail essential electoral activities, such as voter registration and education, and staff recruitment to meet increased responsibilities. The IEC faced these significant budget constraints at a critical juncture – just as it was given new responsibilities in terms of the then-PPFA, in addition to adapting to electoral reforms introduced by the *Electoral Matters Amendment Act 14 of 2024* (EMEA) and preparations for the 2024 election. The IEC's capacity to implement political funding oversight through compliance monitoring and enforcement is open to question due to limited resources and a small staff complement in its renamed Political Funding Unit, which has hampered its effectiveness in monitoring and enforcing the PPFA/PFA. A well-funded oversight body is crucial for the successful implementation of political funding legislation.

Budget constraints do not represent a comprehensive explanation of the challenges facing the Commission, however. As noted in the section below, when Parliament adopted Court-mandated amendments in the EMEA before the 2024 general election, political parties represented in Parliament also chose to make unrelated amendments to the legislation by removing the disclosure threshold and donation cap. These amendments provided that the president should, instead, set those standards following advice by Parliament. These parties, however, made no effort to enable Parliament to give such advice to the president before the general election. It was, instead, left to civil society and the IEC to ask political parties to comply voluntarily with the pre-existing standards until such time as new standards were determined, which were recommended long after the 2024 election. Parliament's conduct essentially left the IEC exposed to politicised financial and administrative disputes at a critical electoral moment.

The obstacles to achieving compliance undermine democracy and pose a significant threat to the IEC's implementation of the political finance regulatory regime (Jeenah, 2024). Implementation of the Act requires financial accounting, forensic auditing, and investigative expertise that extend beyond the Commission's usual election-related capabilities.

Recent Developments: The Political Funding Act

As noted above, the IEC's implementation capacity was further tested by recent regulatory changes and legal challenges. A gap in the law emerged in 2024 when the EMEA amended the PPFA by removing the donation cap and disclosure threshold. In an application by My Vote Counts NPC, the Western Cape High Court on 16 August 2024 ordered the temporary reinstatement of the previous thresholds. However, the IEC faced significant implementation challenges due to the uncertainty caused by this regulatory hiatus, needing to constantly adjust its systems, guidance, and practice in response to evolving political dynamics.

The EMEA amended the PPFA to allow independent candidates to contest elections for national and provincial legislatures, in addition to political parties, and was accordingly renamed as the PFA. As mentioned earlier (see 'Implementation Approach: Progress and Challenges'), Parliament took the opportunity of the Court-mandated amendment to the Electoral Act (through the EMEA) to consider unrelated revisions to the disclosure threshold and annual donations cap. Parliament chose to disregard broad public opposition and empirical evidence on reasonable inflation-related adjustments provided by the Parliamentary Budget Office and recommended that the president should double the donation disclosure threshold to R200,000 and the annual donations cap to R30 million.

On 18 August 2025, the PFA regulations were promulgated, through which the president implemented these recommendations by members of parliament. These amendments could be regarded as a weakening of the PFA's transparency and accountability standards and do not align with public opinion as established by the HSRC's research study findings described later in this article. By enabling larger donations to be made without public scrutiny, the amendments risk leaving voters less informed about potential undue influence by wealthy donors on political parties, or their policy choices and decisions once in power.

METHODOLOGY

The data analysed in this article emanate from the South African Social Attitudes Survey (SASAS), a nationally representative survey series conducted annually by the Human Sciences Research Council (HSRC). The SASAS employs a multi-stage stratified probability sampling design, drawing a random sample of adults aged 16 and older living in private households that are geographically spread across the nine provinces in South Africa. Data are collected through face-to-face interviews using computer-assisted personal interviewing.

The sampling approach consisted of initially selecting 500 small area layers countrywide as the primary sampling units, stratified by province, dominant population group in the area, and type of geographic location. This was followed by the random selection of seven visiting points in each area. The final step was the random selection of just one adult (aged 16 years or older) from a list of all normally resident persons at each visiting point.

To ensure cross-cultural equivalence, questionnaires are translated into South Africa's major official languages. Participation in the survey was voluntary and conducted in accordance with HSRC Research Ethics Committee approval, with respondents guaranteed anonymity and asked to sign consent forms affirming the confidentiality of their responses. For the study presented in this article, we draw on data from an IEC-commissioned module fielded as part of the 21st annual round of SASAS, which was conducted in February–March 2025 (commonly referred to as the 2024/25 round, as the survey was conducted in that financial year), comprising 3,119 completed interviews.

Table 1: Summary Characteristics of Background Controls (Unweighted Data)

	N	Min.	Max.
Gender			
Male	1,382	0	1
Female	1,737	0	1
Population group			
Black African	1,828	0	1
Coloured	562	0	1
Indian	352	0	1
White	366	0	1
Age (in years)	3,119	16	95
Education group			
No secondary	308	0	1
Incomplete secondary	904	0	1
Complete secondary	1,232	0	1
Post-secondary	656	0	1
Geotype			
Rural	761	0	1
Urban	2,358	0	1
Province of residence			
Western Cape	352	0	1
Eastern Cape	434	0	1
Northern Cape	241	0	1
Free State	212	0	1
KwaZulu-Natal	620	0	1
North West	236	0	1
Gauteng	502	0	1
Mpumalanga	265	0	1
Limpopo	257	0	1

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political funding module

The data were weighted and benchmarked using Statistics South Africa's latest mid-year population estimates to adjust for differential probabilities of selection and non-response, and can therefore be considered nationally representative of the South African adult population. Statistical analyses were conducted using Stata, version 18.0. To account for respondents' socio-demographic characteristics, a number of standard socio-demographic variables were employed for this study. These variables captured gender, age, geographic location, recent crime exposure, and province of residence. Unweighted sample characteristics based on these standard background control variables are presented in Table 1. All data presented in this article have been weighted unless other otherwise specified.

RESULTS

Political Engagement and Donations

Political donations are an important civic freedom in any democracy, reflecting the rights to freedom of association and expression, and they play a constructive role in allowing multiparty politics to function. However, especially when compared to other political behaviours like protests, political donations have been relatively understudied by political scientists in South Africa. In an effort to bridge this knowledge gap, the SASAS module included a question on past political donation behaviour in the 2024/25 round. Results are presented in Figure 1.

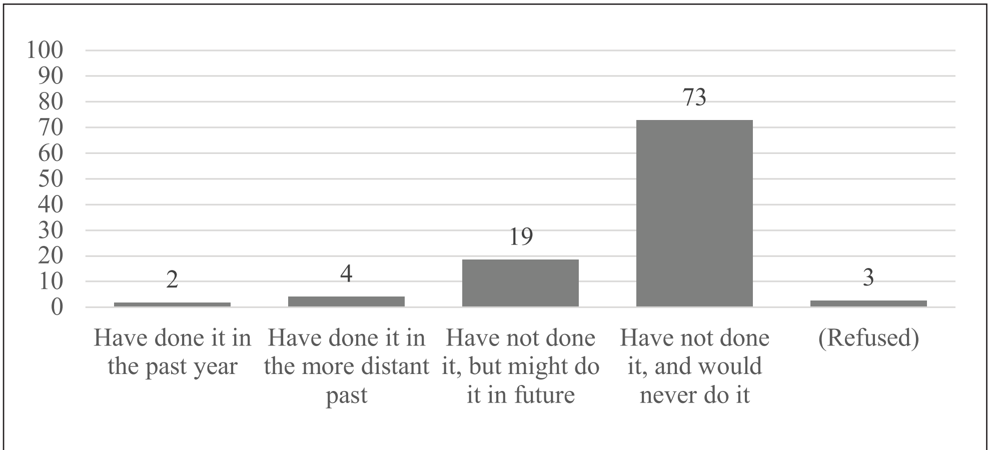

Figure 1: Public responses to the question 'Have you previously donated money to or raised funds for a political party or an independent candidate?' (%)

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political funding module

Public opinion data gathered for SASAS show that only a small minority (6%) of adults in the country have donated money to, or raised funds for, a political party or an independent candidate. Perhaps more striking is the general reluctance of the public to want to donate to political parties or independent candidates. Among those who had never donated before, the vast majority said that they would never donate money to a political party or independent candidate. Political donations are therefore not widely seen by the public as an appealing or desirable form of political behaviour.

One of the reasons that people were less than keen to engage in political donation behaviour was dissatisfaction with how democracy functions in South Africa. The survey found that a clear majority (58%) of the public were dissatisfied with how democracy is working in the country. This outcome is consistent with past research on this issue by Davids et al. (2024) and reflects widespread disillusionment with conventional post-apartheid politics. People who had donated before were substantially less dissatisfied with democracy than those who had never donated. Only two-fifths of past donors were dissatisfied with democratic functioning. This figure is approximately 20 percentage points lower than what we observe for those who had never donated. These findings suggest that disenchantment with democracy can result in disengagement from conventional political behaviours.

It is important to be cognisant of the fact that many people in South Africa do not take a strong interest in politics. The SASAS results found that 27% were hardly interested and a further 40% were not at all interested in politics. It is unsurprising that political disinterest is negatively associated with past participation in political donations. We found that about half (47%) of those who had previously donated to political parties or independent candidates reported being interested in politics. This figure is 14 percentage points above what we see for those who have never donated. It may be that people who are uninterested in politics perceive politicians as unresponsive or self-serving, which may reduce their willingness to contribute money to a political system that they distrust or disapprove of.

Public Backing for Regulation of Political Funding

Even though political donation was not a common political behaviour exhibited by the public, this does not mean that people in the country were unconcerned about the effects of private donations on South African politics. Participants in SASAS were asked whether they agreed or disagreed with the following statement: 'Overall, how worried are you that the decisions and actions of political parties and independent candidates in South Africa are being influenced by donations from the rich and powerful?' As evident from Figure 2, the proportion (23%)

of the public who said that they were not very or not at all worried about elite manipulation via political donation was rather small. A clear majority of the adult population said that they were at least somewhat worried about this issue.

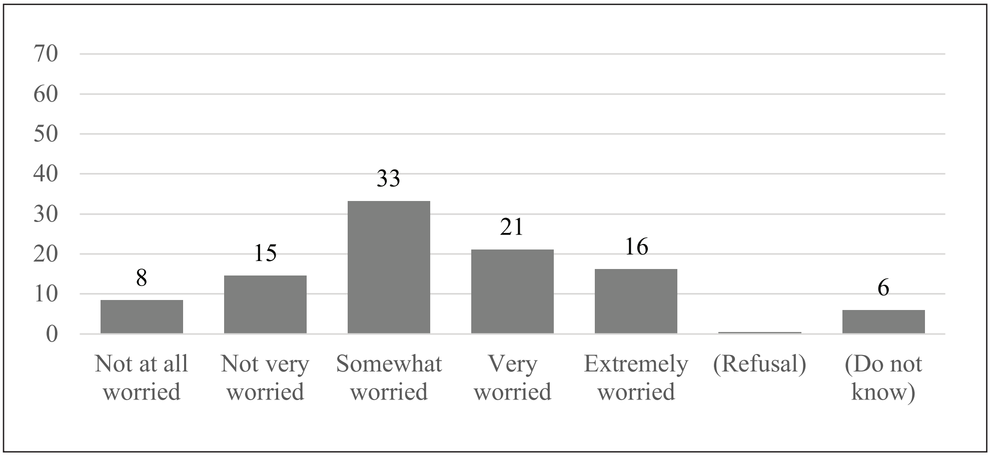

Figure 2: Public responses to the question 'Overall, how worried are you that the decisions and actions of political parties and independent candidates in South Africa are being influenced by donations from the rich and powerful?' (%)

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political funding module

It is clear that most of the public views elite influence on politics via political donations as an issue of concern. However, it is interesting to observe that very high levels of concern about the role played by political donations in South Africa were less widespread. Only a minority of adults stated that they were either very (21%) or extremely (16%) worried about this issue. This concern may be acting as a proxy for public demands for transparency and accountability as well as limits on political donations. It is therefore useful to examine whether this kind of concern about elite influence on the political system was informing public support for the laws like the PFA. It would seem reasonable to assume that popular worry about elite manipulation would be associated with greater levels of support for the regulation of political donations.

First, SASAS respondents were informed that the PFA requires all political parties and independent candidates to disclose where their funding comes from. They were then asked if they supported laws like the PFA. Results from the survey, displayed in Figure 3, revealed that popular support for legislation like the PFA was not especially widespread.

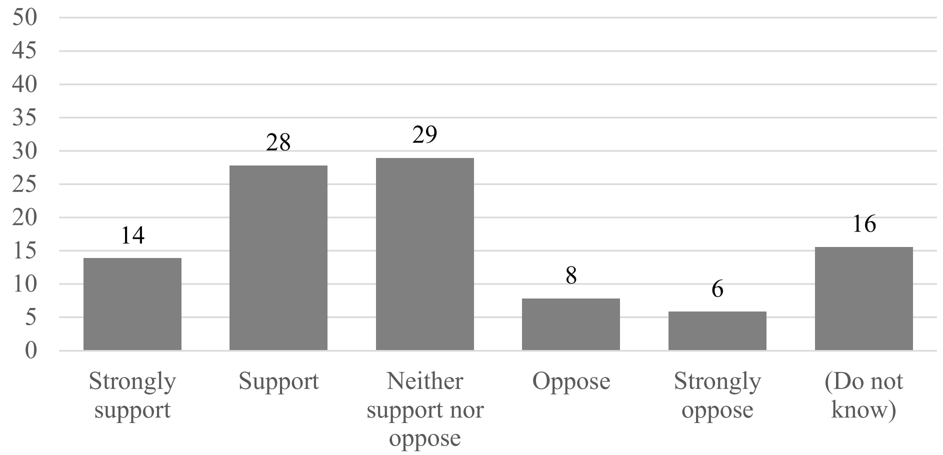

Figure 3: Public responses to the question: 'To what extent do you support or oppose laws like the Political Funding Act that require all political parties and independent candidates to say where their funding comes from?' (%)

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political funding module

Less than half of the adult population stated that they either strongly (14%) or somewhat (28%) supported financial regulations like the PFA (a combined 42%). A smaller fraction of the public reported that they either opposed (8%) or strongly opposed (6%) laws like the PFA. Support for legislation like the PFA was found to be concentrated amongst better educated South Africans. Approximately a quarter of adults with no secondary qualification supported regulations on political financing like the PFA. This figure is 21 percentage points below what was observed for those with a post-secondary qualification.

The survey results show that many people were worried about elite manipulation of politics via political donations. To test whether this concern was impacting popular support for the PFA, we employed ordered logistic regression analysis. In the estimated model, the dependent variable was support for legislation such as the PFA, with the support–oppose response scale shown in Figure 3 reversed so that higher values indicate greater support. 'Don't know' responses were coded as missing. The key independent variable under consideration was worry about elite manipulation of the political system, with higher values indicating greater concern, as depicted in Figure 2. 'Don't know' responses were again treated as missing. Standard socio-demographic characteristics were included in the regression as control variables.

Table 2. Ordered Logistic Regression on the Relationship Between Support for Financial Regulations Like the PFA and Concern About Elite Manipulation

	Odds Ratio	Robust Std. Err.	Significance
Worry About Elite Manipulation	1.374	0.097	***
Background Controls			Yes
/cut1	-1.699	0.468	
/cut2	-0.753	0.441	
/cut3	0.992	0.443	
/cut4	2.710	0.456	
Number of obs.	2483		
Wald chi^2	74	(18)	
Prob > chi^2	0.000		
Pseudo R^2	0.032		

*** p<0.001, **p<0.01,* p<0.05
Notes: 1. Odds ratio greater than 1 indicate that higher values on the predictor are associated with higher cumulative odds of being in a greater category of support for regulatory laws such as the PFA, rather than in lower categories, controlling for other variables; and 2. background controls include all the variables listed in Table 1.

As can be observed from the regression output displayed in Table 2, worry about elite manipulation is positively associated with support for laws like the PFA. The odds ratio of 1.374 indicates that, for each one-unit increase on the worry scale, the odds of expressing a higher level of support for regulation (rather than a lower level) increase by approximately 37%, holding other factors constant. This suggests that individuals who were more worried about elite influence in political financing were more inclined to support regulatory legislation such as the PFA. This pattern is consistent with the view that public anxiety about the integrity and fairness of political systems is associated with greater support for legal measures aimed at ensuring transparency in political finance.

Public Attitudes to the Role of the Electoral Commission

The SASAS questionnaire included several questions about the IEC and its ability to regulate political donations in South Africa. These questions were important as they provided data on whether people trusted the institution tasked with ensuring transparency and accountability in political financing. First, we must consider whether people thought that gathering information on political donations is an important mandate for the IEC. Respondents were asked: 'How important is it for the Electoral Commission to collect information about where political parties and independent candidates in South Africa get their funding from?' Answers were recorded using a 0 to 10 scale, with higher values indicating a greater perceived level of importance. Less than a tenth (7%) of the public were uncertain when asked this question and responded 'don't know'.

Of those who responded more definitively to the question, the average adult rated the importance of collecting information on political donations as 5.90 (SE=0.097). Indeed, about two-fifths (38%) of the public rated the importance of this issue between 4 and 6 on the scale. These findings are consistent with the previous section, which showed a greater level of ambivalence on this issue than may have been expected (Davids et al., 2024). A positive association was identified between self-rated importance and support for legislation like the PFA. People who either strongly supported (M=7.33; SE=0.221) or somewhat supported (M=6.83; SE=0.161) laws like the PFA scored much higher on the self-rated importance scale than the national average. It would appear that evaluations of the importance of gathering information on political donations were linked to support for laws that compel all political parties and independent candidates to report where their funding comes from.

In addition to establishing the perceived importance of the IEC collecting information on political donations, respondents were asked how confident they were that the IEC has been able to collect accurate information about where political parties and independent candidates in South Africa get their funding from. In a fashion similar to what was observed when asked about the importance of information collection, a small proportion (6%) of the public responded 'don't know' to this question. Among those that responded more definitively, the observed level of confidence in the IEC was rather low. The mean score on the confidence scale was 4.76 (SE=0.089), which suggests that a significant share of the public lacked confidence in the IEC's effectiveness on this issue. About a fifth (19%) of the public scored the IEC below 3 on the scale, and 46% scored it between 4 and 6. This relatively low level of confidence is consistent with past research by Davids et. al. (2024), which has shown that public trust in the IEC has fallen in the last decade in South Africa, mirroring broader declines in trust across democratic institutions rather than trends specific to the Commission alone.

There is a strong positive correlation between the perceived importance of funding transparency and trust in the IEC's ability to gather information on the sources of political donations. If an adult thought that it was important to collect information about where political parties and independent candidates get their funding from, then they also tended to express confidence in the ability of the IEC to collect that information. It would appear that people who value transparency in political funding also trust the institution responsible for enforcing and providing that transparency. While the cross-sectional data do not allow causal inference, the results indicate a relationship between perceived need for openness and institutional trust in electoral oversight. One possible interpretation is that individuals who assign lower importance to transparency may also express lower confidence in the IEC's political finance oversight role, instead preferring that the Commission focus exclusively on its primary electoral mandate. Alternatively, lower confidence may reflect broader declines in institutional trust, limited public awareness of the Commission's expanded mandate, or uncertainty about the effectiveness of enforcement mechanisms.

Attitudes to the Multi-Party Democracy Fund

The MPDF was designed with active citizen participation as a fundamental feature. Without public support, the Fund cannot successfully fulfil its mandate and will fail to meaningfully improve South African democracy. Consequently, studying public attitudes toward the MPDF is crucial because it provides insight into how well citizens understand and support the Fund's efforts to enhance transparency and accountability in political financing, and how much support there is for a well-functioning democratic system as compared to partisan support. It is important to start with public awareness of the MPDF, examining how successful the IEC's then-current awareness campaign was in promoting knowledge and understanding of the Fund and its core purpose. A question on how much a person had heard or read about the MPDF was included in SASAS, and the results of how the public answered this question are presented in Figure 4.

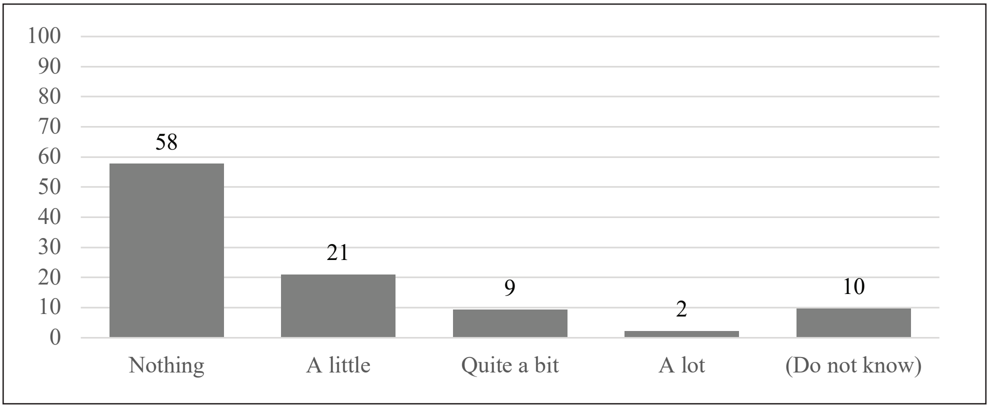

Figure 4: Public responses to the question 'How much have you heard or read about the Multi-Party Democracy Fund?' (%)

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political funding module

As the data presented in Figure 4 clearly show, the public was generally uninformed about the MPDF. A clear majority (58%) reported that they had never heard of the Fund, while only about a fifth (21%) said they had encountered a little information on it. The analysis revealed that only a small minority had either heard or read quite a bit (9%) or a lot (2%) about it. These low levels of awareness suggest shortcomings in the communication campaign designed to inform the public about the MPDF. What reach this campaign did achieve appears skewed towards those on the upper end of the societal ladder.

The socio-demographic groups that were the most aware of the MPDF were those who were better educated and higher in socio-economic status. There was also a geographic pattern, with adults living in the Western Cape more likely than average to be aware of the Fund. It should be noted that, at the time of the research, the Fund remained a fairly recent institutional innovation and that public awareness campaigns are still evolving.

Survey respondents were also asked to indicate how confident they were that the MPDF is managed by the IEC in a fair and effective manner. Their responses were recorded using an 11-point scale, with higher scores representing greater levels of confidence. A tenth of the public did not know to answer the question; the remainder generally did not display high levels of confidence in the ability of the IEC. Of those who answered the question, the mean score was 4.26 (SE=0.103) on the scale. About a quarter (24%) of the public scored the IEC below 3 on the scale, indicating that a substantial proportion of the public voiced doubt about the IEC's ability to manage the Fund successfully. This finding should be interpreted in the context of the early-stage implementation of the MPDF and the observations in the previous section about the broader institutional trust environment in the country at the time of surveying.

One of the reasons for low confidence in how the MPDF is managed was the lack of awareness about the Fund. Further data analysis revealed that confidence in the management of the MPDF was positively associated with awareness of the Fund. To examine this relationship, we employed a linear (ordinary least squares) regression model. Confidence was specified as the dependent variable, with 'don't know' responses treated as missing. The key independent variable was self-reported awareness of the MPDF, with 'don't know' answers again coded as missing. A range of standard socio-demographic background controls were included in the regression model.

The regression outputs, displayed in Table 3, show that higher levels of awareness of the MPDF are associated with higher levels of confidence in the IEC's management of the Fund. The standardised beta coefficient of 0.791 indicates that one standard deviation increase in awareness is associated with an average increase of approximately 0.79 standard deviations in the confidence scale, holding other factors constant. This suggests that individuals who are more aware of the

MPDF tend to express greater confidence in the way the Fund is managed by the IEC.

Table 3: Linear (Ordinary Least Squares) Regression for the Relationship Between Confidence in the Management of the MPDF and Awareness of the MPDF

	Std. Beta	Robust Std. Err.	Significance
Awareness of the MPDF	0.791	0.100	***
Background Controls			Yes
Number of obs.	2545		
Prob > F	0.000		
R-squared	0.098		
Root MSE	2.619		

*** $p<0.001$, ** $p<0.01$,* $p<0.05$
Notes: 1. Standardised beta coefficients (β) are reported and represent the expected change (in standard deviation units) in confidence associated with a one standard deviation increase in awareness, holding other variables constant; and 2. background controls include all the variables listed in Table 1.

The MPDF was designed to provide the public with a mechanism through which they can support multiparty democracy in South Africa. Accordingly, the willingness of the public to donate to the Fund is of paramount importance. If people do not want to use the Fund, then this implicitly signals that the MPDF has yet to garner widespread popular support. A question on whether an individual would be willing to donate to the MPDF was included in the SASAS political funding module, and responses to this question are depicted in Figure 5. It is evident from the bar chart that only a small share of the adult population indicated that they would be hypothetically willing (13%) or very willing (3%) to donate. This shows that the MPDF does not have significant backing from the general population.

A possible reason for the low willingness amongst the public to donate to the MPDF is weak confidence in the IEC's capacity to manage the Fund effectively and fairly. A supplementary evaluation of the data showed that adults who were highly confident in the IEC's management of the MPDF were also more likely to want to donate to the Fund. However, this correlation was not as strong as may have been expected. After taking 'don't know' responses into account, we found that those who were not at all willing (M=4.04; SE=0.156) or not very willing (M=4.15; SE=0.200) to donate scored only slightly below those willing (M=4.93; SE=0.218) or very willing (5.64; SE=0.480) to donate, in terms of the confidence scale.

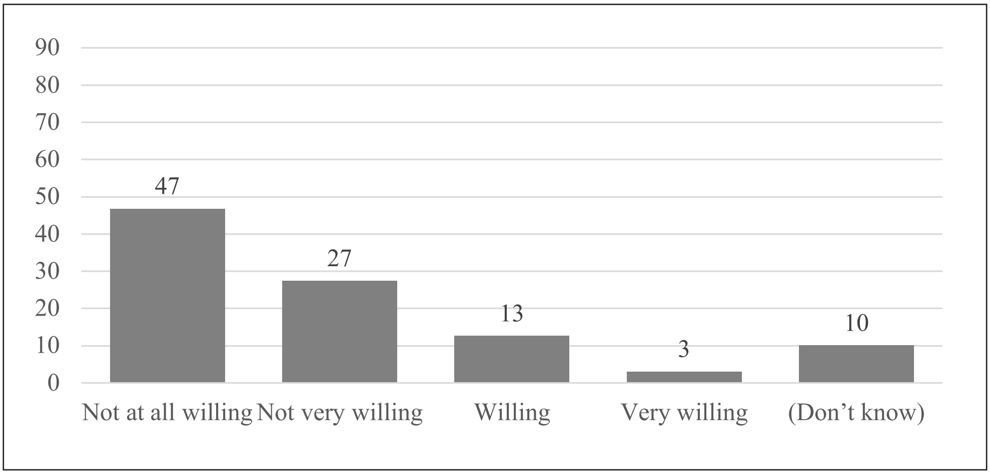

Figure 5: Public responses to the question. 'How willing would you be to donate to the Multi-Party Democracy Fund?' (%)

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political party funding module

We employed an ordered logistic regression analysis to isolate the relationship between willingness to donate and confidence in the IEC's management of the MPDF. The dependent variable was willingness to donate, with higher values indicating greater willingness, and 'don't know' responses treated as missing. The key independent variable was confidence in the management of the MPDF, with higher values indicating greater confidence, and 'don't know' answers again coded as missing. Standard socio-demographic characteristics were included in the regression analysis as background controls.

As can be observed from Table 4, after taking a range of socio-demographic factors into account, confidence in the management of the Fund was positively associated with willingness to donate. The odds ratio of 1.076 indicates that, for each one-unit increase on the confidence scale, the odds of reporting a higher (rather than lower) level of willingness to donate to the MPDF increased by approximately 7.6%, holding other variables constant. Although statistically significant, this association is relatively modest.

The observed positive association between awareness and confidence suggests that people who are more knowledgeable about the Fund may also have a relatively good understanding of how it is managed. Greater confidence in the management of the Fund is, in turn, associated with a greater willingness to donate. However, the regression results indicate that this effect is modest. While confidence in the Fund's management is a significant predictor of willingness to donate, it is unlikely to be the only factor shaping donation intentions. Public reluctance to donate to the MPDF therefore appears more complex, with additional barriers likely influencing willingness to contribute.

Table 4: Ordered Logistic Regression for the Relationship Between Confidence in the Management of the MPDF and Willingness to Donate to the MPDF

	Odds Ratio	Robust Std. Err.	Significance
Confidence in the Management of the MPDF	1.076	0.029	**
Background Controls			Yes
/cut1	-0.426	0.429	
/cut2	1.136	0.434	
/cut3	2.954	0.447	
Number of obs.	2540		
Wald chi^2	79	(18)	
Prob > chi^2	0.000		
Pseudo R^2	0.025		

*** $p<0.001$, ** $p<0.01$,* $p<0.05$
Notes: 1. Odds ratio greater than 1 indicate that higher values on the predictor are associated with higher cumulative odds of being in a greater category of willingness to donate to the MPDF, rather than in lower categories, holding other variables constant; and 2. background controls include all the variables listed in Table 1.

Changes to the Political Finance Regulatory Framework

Respondents were asked whether they agreed or disagreed that tracking a political party's expenditures is an effective way to verify the accuracy of its reported donations. Responses to this question are shown in Figure 6, and it is evident that slightly more than half (55%) of the public agreed with the statement. Only a small percentage (7%) disagreed on this issue.

The empirical evidence indicates, in other words, that monitoring political party spending is a popular idea. This type of reform was found to be particularly popular among the better educated. Those in lower educational attainment groups were less likely to agree with the statement than those in higher educational groups. For example, only about two-fifths (42%) of those with no secondary qualification agreed with the statement; this was 21 percentage points lower than among respondents who had a post-secondary education.

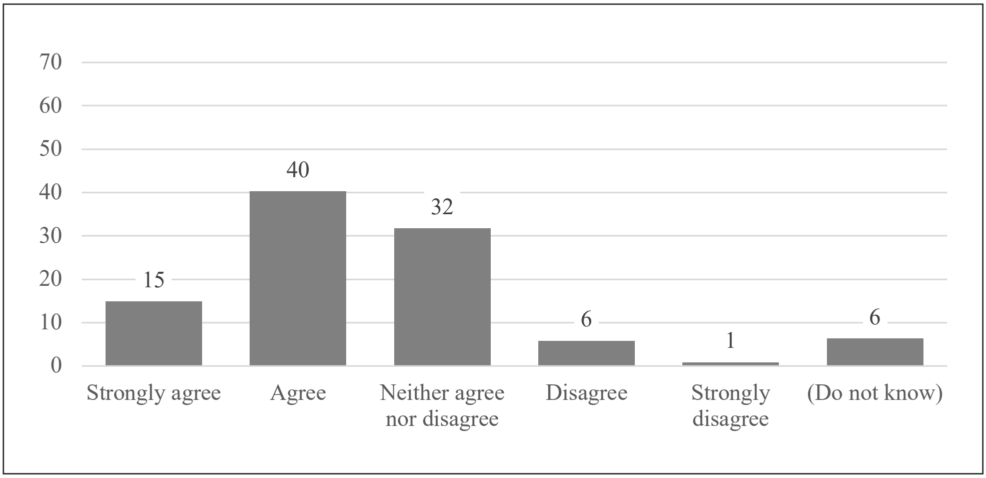

Figure 6: Public agreement and disagreement with the statement: 'Monitoring how much a political party is spending is a good way to check how accurately it is reporting the donations it has received.' (%)

Source: HSRC South African Social Attitudes Survey (SASAS) 2024/25 IEC political funding module

We also found that attitudes towards funding legislation like the PFA influenced whether people agreed with the statement in Figure 6. Individuals who supported such legislation tended to agree that gathering data on a political party's expenditures is an efficient tool for verifying the accuracy of reported donations. More than three-quarters (78%) of those who supported laws like the PFA agreed with the statement. This figure is substantially higher than the national average and much higher than what was observed for adults who opposed legislation requiring all political parties and independent candidates to declare their funding sources. It would appear that supporters of laws like the PFA also support the gathering of expenditure data. In other words, these individuals seem generally to understand the need for strong checks and balances to ensure accountability in political financing.

CONCLUDING OBSERVATIONS

The findings presented in this article highlight the diverse and sometimes divided nature of public attitudes towards the regulation of political donations in South Africa. While political donations represent an essential democratic practice that can facilitate multiparty participation, the data reveal that only a small minority of adults participate in this form of political engagement. Indeed, our results indicate that there was a widespread reluctance to donate among those who have never done so. This reluctance appears linked to broader discontent with democratic functioning and low levels of political interest, which in turn suggests that political dissatisfaction with the status quo is influencing how many people think about political donations.

In addition, the public had varying levels of concern about elite influence via political donations. Public support for regulatory frameworks like the PFA is not as widespread as may have been anticipated and appears to be concentrated among the better educated. Support for these kinds of laws is shaped by concern over elite influence, with greater concern associated with more robust support for transparency laws. Confidence in the institution responsible for overseeing political financing (i.e., the IEC) was moderate, and many respondents expressed uncertainty about the capacity of the IEC to effectively enforce transparency and accountability.

Awareness of, and trust in, the MPDF was similarly limited, especially among less educated adults. For the PFA to be an effective legislative framework, it will need to garner a greater level of popular support than is currently evident in the data. Our findings underscore existing communication challenges and demonstrate the need for greater civic education on the role played by political donations in South Africa. Educational and awareness campaigns targeting a broader cross-section of society may foster stronger support for political funding reforms. In this regard, the importance of secure funding for the IEC as a constitutional institution becomes clear.

Public attitudes to political donations as well as the regulation of political donations are dynamic phenomena that evolve as societal and political contexts change. Attitudes can shift in response to changing political realities and institutional performance. Public attitudes must, in other words, be considered fluid and contingent, demanding adaptive policy responses that are responsive to evolving citizen expectations and concerns. This is a particularly relevant point when considering the potential non-partisan role of the MPDF. It is conceivable that, as awareness of and confidence in the Fund improve, public utilisation of the MPDF may increase. On the other hand, experts interviewed during the study noted the disincentives related to the idea of contributing to a Fund that supports a diverse range of elected parties and candidates, some of whom espouse anti-democratic policies.

It is equally important to remind ourselves that the allocation formula for disbursements from the Fund is less equitable in the PFA than it was in the PPFA. Therefore, understanding public attitudes to political finance regulation requires both an appreciation of political dynamics, as well as ongoing longitudinal surveying over a longer period. Future research should prioritise the issue of attitudinal change and seek to identify the factors that are driving any attitudinal changes that further surveying may uncover.

Acknowledgement

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IMPLEMENTING POLITICAL FUNDING IN SOUTH AFRICA:

Successes, Challenges and Lessons Learnt (2021–2025)

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ABSTRACT

The implementation of the Political Funding Act No. 6 of 2018 *marked a turning point in South Africa's democratic consolidation. The Act introduced a system for regulating both public and private funding of political players in a more transparent and accountable manner. Since the Act came into effect in April 2021, the Electoral Commission of South Africa (the Electoral Commission) has overseen its implementation and enforcement. The Electoral Commission has also managed two funds under this Act. We analyse the first four years of implementation of the Act (from 2021/22 to 2024/25), focusing on successes, persistent challenges, and lessons learnt. We employ a qualitative interpretive approach to the implementation of political funding in South Africa. We argue that the Act has advanced transparency and accountability, yet compliance gaps, limited public awareness, legal ambiguities, and resource constraints have limited its full effectiveness. Proposed improvements include strengthening enforcement capacity, integrating technology-driven disclosure systems, expanding civic education, and refining the legal framework. A clearer framework would also help address emerging risks such as digital campaigning, foreign influence, and expenditure regulation. South Africa's experience illustrates both the promise and the complexity of institutionalising transparent political finance in emerging democracies.*

Keywords: Political funding, transparency, democracy, South Africa, Electoral Commission, Political Funding Act, Multi-Party Democracy Fund.

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INTRODUCTION

According to Check et al. (2019), the unregulated funding of politics is a critical threat to democratic prosperity. It follows that political funding lies at the intersection of democracy, governance, and integrity. Funding determines the nature of political competition, the inclusivity of democratic representation, and the public's confidence in electoral processes. Check et al. (2019) further argued that

> Unregulated flows of money in the funding of political parties and election campaigns threaten key democratic principles and values in African countries. When politicians and political parties focus more on financiers than on public interests and needs, service delivery may be compromised for political expediency. (p. 8)

Similarly, Bryan and Baer (2005, p. 27) argued that 'covert party funding streams, influence peddling and leveraging [of] state resources for party purposes all compromise the single greatest asset of democracy: the faith and support of ordinary citizens in the political process'. Based on the foregoing, it can be concluded that any democratic system that lacks robust regulation of political financing as a central component is vulnerable to capture and diversion from the genuine interests of the electorate.

In South Africa, the transition to democracy in 1994 was accompanied by a recognition that money, while essential to political participation, can distort democratic equality when left unregulated (Maphunye & Motubatse, 2019). The *Political Funding Act 6 of 2018* (PFA), was promulgated in February 2021 and commenced on 1 April 2021. It emerged as a response to longstanding calls for transparency, equity, and fairness in political finance (Independent Electoral Commission [IEC], 2025a; Pasensie, 2022). The PFA repealed and replaced the *Public Funding of Represented Political Parties Act 103 of 1997* (the PFRPPA).

The PFA introduced a comprehensive system that regulates both public and private funding. Its enactment was motivated by the need to align the funding of political activity with the constitutional values of openness and accountability (Electoral Commission & Human Sciences Research Council [IEC&HSRC], 2025). This aspect was lacking under the previous PFRPPA (Steytler, 1997).

The PFA established the Political Representatives Fund (PRF), previously known as the Represented Political Parties Fund, as a mechanism for the proportional and equitable distribution of public funding. It similarly established the Multi-Party Democracy Fund (MPDF), intended for distribution of funds among represented political parties and independent representatives. Additionally, the PFA required the mandatory disclosure of all donations above R200,000 and prohibited donations from certain sources, including government and government entities, foreign governments, proceeds of crime, and anonymous entities.

Within four short years of implementing the PFA (i.e., by 2025), the Electoral Commission had published multiple quarterly disclosure reports and submitted three annual reports to Parliament, as required by the Act (IEC, 2025a). Yet the political funding landscape remains contested. Persistent challenges include limited compliance, inadequate public awareness, and limited internal investigative capacity within the Commission (IEC&HSRC, 2025). Furthermore, debates continue over whether South Africa's regulatory framework, which is currently focused on income transparency, should evolve to include expenditure monitoring, a practice common in other democracies.

According to the Open Society Justice Initiative (2005), the monitoring of campaign expenditure can uncover and reduce corruption in several ways. In this context, expenditure monitoring would oblige parties and candidates to disclose their total income, not just individual donations, as well as the main categories of campaign spending. These disclosures can be monitored to assess the accuracy of parties' income declarations. If monitoring were to show that spending significantly exceeded the declared income, that would be a clear indication that parties were concealing their income or failing to report it accurately.

Within this context, we examine South Africa's journey of implementing the PFA between 2021 and 2025. We evaluate the progress made, challenges encountered, and lessons learnt in institutionalising political finance regulation and openness. We contextualise South Africa's experience within the broader global discourse on political funding regulation and offer policy recommendations to strengthen the system's future sustainability.

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK OF THE PFA

Constitution of the Republic of South Africa

In South Africa, the Constitution is the supreme law against which all other laws must be measured for compliance. Any law that is inconsistent with the Constitution has no effect and is therefore invalid. The PFA's objectives align with Section 1(d) of the Constitution, which emphasises accountability, responsiveness and openness in governance. They also advance the right to information

(Section 32) and equality of political opportunity (Section 19). In effect, the Act seeks to balance the constitutional rights to association and political participation with the imperative to prevent undue influence and corruption, as well as to protect the sovereignty of the South African state (Porat, 2021).

Beyond these fundamental rights in the Constitution, Section 236 specifically calls for the enactment of national legislation for the purpose of providing funding for political parties represented in the national and provincial legislatures. Based on that provision, political funding legislation was enacted.

History of the PFA

The history of political funding regulation in South Africa is a story told from different perspectives. However, there is a common thread running through all of these accounts.

> The roots of the PPFA can be found nearly 20 years ago when the Institute for Democratic Alternatives in South Africa (IDASA) launched a court application with the Western Cape High Court seeking an order that political parties should be required to disclose their private funding donations. (My Vote Counts, 2023, p. 4)

The PFA was therefore enacted following numerous calls, including court actions by civil society, to address deficiencies in the *Promotion of Access to Information Act* (PAIA) and the former *Public Funding of Represented Political Parties Act 103 of 1997*. In the *My Vote Counts NPC v Minister of Justice and Correctional Services and Another [2018] ZACC 17* case, the PAIA was found and declared by the Constitutional Court to be 'invalid to the extent of its inconsistency with the Constitution by failing to provide for the recordal, preservation and reasonable disclosure of information on the private funding of political parties' (Constitutional Court, 2018). The PFRPPA, on the other hand, focused exclusively on the public funding of political parties represented in national and provincial legislatures; it did not address funding from private sources. In its architecture, the PFRPPA of 1997 did not regulate the private funding of political parties. In short, it allowed significant secrecy and opacity in financing political activity.

The Constitutional Court's 2018 ruling effectively affirmed the public's right to access information on private donations to political parties. This decision prompted the need for major legislative reform to ensure transparency in political funding. In making this point, Porat (2021) succinctly asserted that

> the *My Vote Counts (2018)* decision of the South African Constitutional Court showed the dangers of unregulated private funding of political

> parties and candidates to the South African political system and brought about a new legislative regime of transparency and regulation. (p. 503)

It was almost immediately following this ruling that the *Political Party Funding Act* (PPFA), predecessor to the PFA, was born. The Act introduced a comprehensive legislative framework encompassing three major elements (IEC, 2025a), as follows:

1. Regulation and compulsory disclosure of private and direct donations.
2. Public funding of political parties and independents represented in the national and provincial legislatures through the Political Representatives Fund (PRF).
3. Funding of represented political parties and independents through private contributions made to the Multi-Party Democracy Fund (MPDF).

The regulation and compulsory disclosure of private donations made it mandatory for both political contestants and donors to report all donations above a certain threshold per financial year. Private and direct donations are subject to an annual cap, which the president set at R30 million as of August 2025, in terms of Section 24 of the Act. Regarding the public funding of represented political parties, funds are allocated to such parties on a 90:10 proportional-equitable basis. Lastly, MPDF funds are received from voluntary private contributors and administered by the Electoral Commission for distribution among represented parties. The MPDF is not permitted to receive contributions from any state entity or agency, whether local or international.

Institutionalisation of the Act and the Role of the Electoral Commission

The Electoral Commission is the implementing authority designated under the PFA in South Africa. Some have argued that the assignment was based on the Commission's constitutional independence and its mandate to ensure free and fair elections. The decision introduced a dual responsibility for the Electoral Commission, which has led to debates about potential conflicts of interest and capacity challenges (IEC&HSRC, 2025). The dual role of the Commission as both an election management authority and a regulator of political funding is contentious. Some view it as an undesirable contradiction that has the potential to compromise the Commission's image as an impartial arbiter on election matters. According to the Commission itself (IEC, 2025a), its responsibilities under the Act include the following:

- administering both the PRF and MPDF
- receiving, verifying, and publishing quarterly donation disclosures
- monitoring compliance with the Act's provisions
- investigating and enforcing compliance, including administering penalties as sanctioned by the Electoral Court, and
- reporting annually to Parliament.

The 2025 IEC&HSRC study highlighted the benefits and weaknesses of this institutional arrangement. On the positive side, consolidating several functions within a single constitutional body promotes coherence and ensures the independence of financial oversight. Less positive is the fact that the Commission's core electoral mandate could be compromised by the resource-intensive demands of financial regulation. Some stakeholders have proposed creating either a specialised unit within the Electoral Commission or establishing a separate oversight body (IEC&HSRC, 2025).

While the current institutional arrangement attracts scholarly commentary, the question of a dual mandate is highlighted in this discussion for contextual purposes only. It is not the primary analytical focus of our paper. It is our contention that the matter would be best examined as a distinct and dedicated line of enquiry.

Evolution of the Act: The Electoral Matters Amendment Act

In 2024, Parliament introduced the *Electoral Matters Amendment Act 14 of 2024* (EMAA) with the main aim of amending various electoral laws. This followed the Constitutional Court's 2020 decision in the *New Nation Movement* case,[3] which declared the Electoral Act unconstitutional for prohibiting independent candidates from running for national and provincial office. The apex court – as the Constitutional Court is sometimes called in South Africa – found that this provision violated citizens' political rights as enshrined in Section 19 of the Constitution. The court gave the national legislature 24 months to amend the law to permit individuals who are not members of political parties to contest elections at the national and provincial levels.

The primary objective was to address the candidature of individuals in national and provincial elections, which required consequential amendments to election-related legislation, such as the Electoral Act and the PFA, among others. However, the 2024 revision of the Act also dealt with more substantive

3 New Nation Movement NPC and Others v President of the Republic of South Africa and Others [2020] ZACC 11

amendments. These included provisions that would adjust donation thresholds and caps, as well as the formula for the allocation and distribution of public funds, in addition to streamlining reporting procedures and the status of independent candidates and representatives.

A National Assembly resolution in May 2025 doubled the disclosure threshold and donation cap (IEC, 2025a), a move that generated debate among stakeholders. Proponents argued that higher limits would ease administrative burdens and attract more transparent donations. Opponents, including My Vote Counts (which also approached the courts but was unsuccessful at the court of first instance), contended that this move would undermine the transparency gains achieved since the Act was implemented in 2021. President Ramaphosa nevertheless went ahead and gazetted the revised thresholds in August 2025, giving effect to higher disclosure thresholds and caps (Pienaar & Roberts, 2025).

INTERNATIONAL AND REGIONAL CONTEXT

South Africa's political finance framework aligns with global democratic norms but remains unique in its hybrid approach. The framework combines direct state funding with regulated private contributions through the introduction of the MPDF. According to the International Institute for Democracy and Electoral Assistance (International IDEA, 2014), across the world there are three models for political funding; they are state-dominant, private-dominant, and mixed systems. South Africa's model represents a mixed system, balancing state and private sources while emphasising disclosure and accountability.

The Southern African Development Community (SADC) region exhibits diverse approaches. In Namibia, for instance, the Electoral Commission oversees a publicly funded model with limited private oversight. Other African countries, including Kenya and Ghana, have introduced mixed regimes featuring partial donor transparency. South Africa's system is relatively advanced, although still evolving in enforcement and civic engagement (Khisa, 2025; Badji, 2025).

PROGRESS IN IMPLEMENTING THE PFA AND REGULATIONS SINCE 2021

Our analysis of the progress in implementing the PFA in South Africa draws on internal documents from the Electoral Commission, as well as studies and publications by several other institutions. Notable is the HSRC, which the Electoral Commission has regularly commissioned to research, record, and evaluate key achievements and challenges encountered in the implementation of the Act. Works by stakeholders such as My Vote Counts, as well as the outcomes of the

2025 Symposium on Political Funding in South Africa held in Durban by the Electoral Commission, also helped provide a more comprehensive account. This article is based on a synthesis of findings from all the above empirical sources.

Implementation Milestones and Successes (2021/22–2024/25)

The four years following the coming into force of the PFA have marked a formative period in institutionalising transparency and accountability in the South African political funding landscape. The Electoral Commission has played a central role in developing systems, setting up procedures, and building institutional capacities to implement the Act effectively. Despite resource constraints and evolving political dynamics, several achievements stood out as exemplary during this period.

Institutional Establishment and Administrative Systems

One of the foremost successes was the establishment of the Political Funding Unit within the Electoral Commission. This was established as a very small unit comprising no more than seven officials, including the Deputy Chief Electoral Officer, to operate at the national rather than the provincial or regional level. In essence, the work of the unit was, from the start, centralised and remains so, rather than devolved to lower institutional levels. Primarily, the unit focused on the operationalisation of two critical mechanisms, namely, the management and administration of public funds in the form of the Political Representatives Fund (PRF) and the Multi-Party Democracy Fund (MPDF), as well as the regulation and enforcement of the legislative framework governing private and direct funding of political parties.

Managing the PRF entails the disbursement of public funding and funds generated through private contributions into the MPDF for represented political parties and independent representatives every quarter. This includes suspending funds for political parties if they are noncompliant. Managing the MPDF, on the other hand, monitors and regulates direct funding to political players. This includes enforcing the requirement to disclose declarable donations and their subsequent publication on various platforms by the Electoral Commission every quarter.

To facilitate a seamless monitoring and enforcement process, the Electoral Commission introduced a custom-made internal electronic system, called the Online Political Funding System (OPFS), for recording and declaring financial transactions. The system is both inward and outward facing, allowing Commission personnel and political party administrators to use it for creating and managing their respective financial records. In terms of its design, the system is hosted by the Electoral Commission on its website as an electronic portal developed under the PPFA of 2018.

The OPFS portal allows political parties, independent representatives, and independent candidates to electronically disclose their private donations to the IEC. The system requires declarations for donations over R200,000 (which are cumulative and/or in aggregate) and allows users to upload supporting documentation. OPFS access is secured and protected within the Electoral Commission's systems.

Both institutionally and administratively, the Electoral Commission has realised significant successes, such as ensuring that qualifying parties regularly receive their proportionate and equitable share of public funding without challenges. This has been achieved without fail since the coming into effect of the Act. The same applies to the regular publication of declared donations. Overall, the Commission's administration of these funds has been marked by procedural integrity and regular public reporting, with quarterly disclosures published on the Commission's website and annual reports submitted to Parliament (IEC, 2025a).

Transparency and Disclosure Mechanisms

Transparency has been the cornerstone of the PFA's success. Between 2021 and 2025, the Electoral Commission published more than 16 quarterly disclosure reports detailing amounts above the disclosure threshold, the identities of donors, and the purposes of donations made and received. This regular publication cycle established South Africa as one of the few African democracies with routine and publicly accessible political finance disclosures. It has enabled civil society and the media to scrutinise political finance flows and debate the sources of political funding in the country. Patterns and anomalies in the South African framework, such as 'related donors', have been identified and have increasingly become points of debate in political funding reforms.

The 2025 IEC&HSRC study confirmed that these transparency mechanisms have significantly enhanced public confidence in the accessibility of political funding information, even though awareness of the details remains uneven. Across political, academic, and civil society sectors, the study participants acknowledged the Commission's consistency and impartiality in publishing disclosures.

Policy Coherence and International Recognition

South Africa's political funding regulatory framework, while relatively new, is among the most comprehensive on the African continent. This is because it combines transparency with protections for freedom of association. Among other things, the regulatory framework provides for the following:

- Encourages public disclosure of direct funding to deter corruption and enhance accountability.

- Protects smaller donors and parties through thresholds and proportional public funding.
- Makes use of independent oversight by a constitutional body (the Electoral Commission) to ensure fairness.
- Strives for a balanced approach between transparency and privacy, in accordance with constitutional imperatives.

The 2024 EMAA further refined the framework by clarifying donation reporting obligations. In particular, the Act extended disclosure requirements to independents and simplified administrative procedures for small and unrepresented political parties. These smaller parties had been overburdened by the mandatory requirement for professional auditing of financial records, given the lack of financial support and sponsorship for such parties. The refinements demonstrated the system's adaptive capability and responsiveness to lessons from early implementation.

Public Engagement and Democratic Literacy

One of the key challenges of political funding regulation in South Africa is its low level of public awareness. This could be the result of the Electoral Commission's narrow, rather than widely focused, publicity approach. Publicity and engagement have focused mainly on the primary targets of the legislation – which are parties and independent candidates – with few campaigns targeting the general populace. However, this does not mean a lack of public discussion. On the contrary, public debate on political funding has increased notably since the PFA came into effect. These debates are evident during civic education campaigns, periodically when public disclosure reports are released, and among scholars who have recently published on the subject.

Overall, the establishment of political funding regulations has strengthened South Africa's democratic governance. These achievements, however, continue to exist alongside structural and operational difficulties that challenge the resilience of the framework. These include, among others, dominance by certain political parties, the role and influence of wealthy individuals and/or families, lack of public funding for political players in the local sphere of government, limited or absent donations for new and small political parties, and the Electoral Commission's limited internal investigative capacity.

Key Challenges and Constraints

As noted above, despite significant achievements and progress, the implementation of the PFA has been characterised by persistent constraints. Many of the challenges are institutional, legal, financial, or behavioural, indicating both systemic limitations and contextual realities. The main challenges are discussed in this section.

Resource Limitations

The study conducted by the IEC & HSRC (2025) identified capacity challenges as a key constraint facing the Electoral Commission. As stated earlier in this paper, the business unit responsible for administering political funding is confined to the national office, with a very limited staff complement. Although there are no immediate signs or examples of administrative incapacity or incompetence, these limited financial and human resources should not be overlooked. It is logical that limitations in such resources could lead to the inefficient delivery of the mandate in the long term. The absence of a permanent in-house investigative function and reliance on external (outsourced) services could hamper the ability to promptly identify breaches and respond efficiently to suspected irregularities (Pienaar & Roberts, 2025).

Legal Abstraction and Enforcement Challenges

The actual legal instrument, the PFA, is fraught with drafting challenges and unintended ambiguities. These can render the Act difficult to implement efficiently and may impede realising the full object of the Act.

While the Act provides for penalties in cases of non-compliance, certain ambiguities remain concerning evidentiary procedures, the effectiveness of applicable penalties regarding the cost of investigation and overall enforcement, and the role of external law enforcement agencies. At a basic level, the Electoral Commission is legislatively empowered to monitor and investigate, but not to prosecute. This limitation requires coordination with law enforcement bodies, such as the Financial Intelligence Centre (FIC), the Special Investigating Unit (SIU), and the National Prosecuting Authority. The need for clear and enforceable sanctions that can be consistently applied is a glaring gap. This challenge was highlighted by participants at the recent Symposium on Political Funding in South Africa, held in June 2025 in Durban.

Furthermore, there are no case law precedents, which often leads to uncertainty in implementing laws that contain ambiguities and drafting challenges. The PFA falls into that category. As of mid-2025, only one case of non-compliance with the Act had been tested before the Electoral Court. For completeness, although the Commission was successful regarding the non-compliance with the audited financial statements submission requirement, the actual penalties payable make a positive financial outcome unlikely to be realised. In brief, the value of each penalty is a minimum of R10,000 (equivalent to US$577) and a maximum of R40,000 (equivalent to US$2,310); in addition, most parties found to be in breach of the requirement were either destitute or dormant.

As a result, although the total value of fines approved by the Electoral Court to date is about R17 million (US$981,970), no more than 10% of that amount is likely to be collected, given the nature of the entities liable for penalties. These legislative ambiguities and inefficiencies are, unfortunately, realities of political funding regulation in South Africa. They have often led to public scepticism regarding the deterrent effect of the law.

Limited Compliance Among Smaller Parties

In South Africa, the legislative framework governing the registration and conduct of political parties – particularly the *Electoral Act, 1998* and the *Electoral Commission Act, 1996* – has a myriad of unintended consequences concerning the registration and continued legal existence of political parties on the register, especially in relation to political funding regulation. For example, Section 15 of the Electoral Commission Act, which governs the registration of political parties, sets a very low threshold for a party to qualify for registration. The unintended consequences are that at any given time, the country's register of political parties has more than 500 parties that are supposedly fit and proper. The reality, however, differs. Many of these parties, particularly unrepresented ones, are dormant, and their contact details have become invalid or disused.

Consequently, unrepresented political parties, which are often relatively small and regionally focused, face substantial compliance burdens due to the general costs of running a political party, the expense of conducting compliant financial audits, and limited administrative capacity. The PFA limits the PRF and MPDF allocations to represented parties. Therefore, unrepresented political parties rely solely on private contributions, which are often informal and unrecorded. This dynamic relegates most unrepresented parties to the periphery of mainstream politics and condemns them to a category of legislatively delinquent parties.

It was against this background that many participants at the 2025 Symposium on Political Funding argued for extending public funding to the local government sphere and to unrepresented political formations. The goal would be to strengthen inclusivity and improve compliance.

Public Awareness and Democratic Literacy

Low levels of public awareness – and hence the challenge of democratic literacy – are another area of concern in South Africa with regard to political funding. The 2025 IEC&HSRC research survey revealed that 61% of South African adults had never heard of the PFA, and 58% were unaware of the MPDF (IEC&HSRC, 2025, p. 73–106). Exasperatingly, this is after more than four years of implementation of the Act, more than 16 published quarterly reports, three annual reports submitted to Parliament, many court cases, and countless mainstream media reports and interviews (i.e., television, radio, internet, and print). More than being a reflection of information availability, we argue that these figures reflect the level of interest in the subject among members of the public. Low levels of civic literacy tend to limit public demand for compliance and weaken political accountability.

Participants at the recent Electoral Commission's symposium conceded that an uninformed electorate cannot effectively pressure political parties to behave transparently. This view is congruent with Lipcean and McMenamin's (2023, p. 539) hypothesis, which states that 'corruption = political finance regulation + politics + society.' In simpler terms, this statement suggests that the extent and likelihood of corruption in a country or a political system is often determined by the combined influence of three broad factors, namely, the presence or absence of laws governing political finance, the role and attitude of political actors, and the public's response to the situation.

Legal Loopholes and Emerging Risks

Matlosa (2025) argued that, apart from South Africa, private donations are not regulated across the SADC region, which poses a major risk to the consolidation of democracy in the region. Matlosa's statement suggests that South Africa's political funding regulatory framework is among the best in the Southern African region. This point is evident when considering the comparisons he provided in Table 1, reproduced below.

Table 1: Political Finance Regimes in Selected SADC Countries (2024 Elections)

Country	Ban/Limits on Private Funding	Public Funding	Regulation on Spending	Reporting, Oversight and Sanctions
Botswana	No. Only on anonymous donations	No	Ban on vote-buying. Election expenses no more than P50,000	Political parties reported on expenses 90 days post-poll
Comoros	No	No	Ban on vote-buying	No
Madagascar	Ban on donations from foreign interests and corporations linked to the government	Yes	Ban on vote-buying	Yes

Country	Ban/Limits on Private Funding	Public Funding	Regulation on Spending	Reporting, Oversight and Sanctions
Mauritius	No	No	Ban on vote-buying. Limit: 100,000-250, 000 Rupees	Yes. Candidates report within 6 weeks post-poll
Mozambique	Yes	Yes	Ban on vote-buying	Yes. 60 days after results
Namibia	No	Yes	Ban on vote-buying	Yes
South Africa	Yes	Yes	Ban on vote-buying	Yes. Within 3 months of a financial year

Source: Matlosa (2025), reproduced with permission of the IEC and Matlosa.

However, regarding implementation, experience has demonstrated that structural loopholes persist in the country's legal framework. The IEC&HSRC (2025) study found that these gaps risk undermining the Act's objectives by inadvertently allowing undisclosed flows of political money. They encompass, among others, the following:

- Donors tend to evade the disclosure threshold by dividing contributions among multiple individuals, entities and/or members of the same family or directors of the same company.
- Foreign entities and foundations that are obliquely linked to foreign governments may fund local political players without a trace, due to limitations in internal investigation capacity and interpretative inconsistencies or the narrow definition of some categories.
- There is inadequate regulation of third-party campaigners, think-tanks, and advocacy non-governmental organisations that can indirectly influence public discourse and elections through advertising or campaigns.

Public Perceptions and Confidence Challenges

During most of the era of South Africa's democratic dispensation to date, the Electoral Commission enjoyed a high level of confidence among various stakeholders, both locally and beyond. A decade ago, Roberts et al. (2016) stated that 'apart from administrative efficiency, the extent to which the public continues to express confidence in the Electoral Commission is instrumental to the overall credibility of elections and to democratic legitimacy'.

More recently, however, perceptions of weakened impartiality by the implementing authority have emerged, particularly given the perceived dual role of the Commission. Evidence in the public domain indicates that some political parties and individuals have questioned the appropriateness of the Commission's dual mandate to both manage elections and enforce financial regulations. These critics perceive a potential conflict of interest. Their concerns highlight the desire for unambiguous role delineation and stricter or more focused communication strategies to preserve institutional legitimacy.

LESSONS LEARNT AND POLICY DIRECTION

The four years of the Electoral Commission's implementation of the political funding regulations culminated in several overarching lessons. These were captured in the Commission's report on the 2025 Symposium on Political Funding in South Africa and are discussed below.

Capacity Building and Awareness Creation

Continuous creation of awareness, capacity building, and education for political players, funders, and citizens emerged as the most important success factor. The Commission provides stakeholder liaison and engagement as one of its core programmes. The programme is aimed at ensuring constant and adequate information sharing between the Commission and those affected by the framework. In any given year, more than 20 direct engagements with stakeholders occur, with the primary objective of promoting understanding and compliance with the Act. Beyond these events, the Commission holds regular media engagements that aim to widely broadcast key messages about political funding regulations.

The Commission's own report delivered at the 2025 Symposium on Political Funding indicated that compliance with the Act has improved noticeably due to targeted training workshops with political parties' office bearers, accounting officers, and their appointed professional auditors. Therefore, there are compelling reasons to institutionalise public education and awareness creation through partnerships with strategic institutions. These could include schools, institutions of higher learning, non-profit organisations, and media organisations.

Use of Technology and Digital Tools

Partly because of the Fourth Industrial Revolution and the desire for seamless exchange and processing of information, the Commission has embraced technology and paperless methods of information transfer. In this regard, the

Commission has introduced, among other measures, an internally developed software program, the OPFS.

The OPFS is essentially an online self-service platform for political parties, independent representatives, and donors. It operates securely from the Commission's public website. The system incorporates a secure access control system for users, allowing them to capture their donation declarations at their convenience and from any location; users can also electronically submit their declaration forms and supporting documents. Political parties, independent representatives, and donors can monitor the progress and status of their submitted declarations. The system also provides reports that assist with monitoring the declaration before publication.

The integration of technology into reporting and disclosure systems has helped the Commission enhance its efficiency and transparency. The system does have some glitches and failures, which have forced the Commission to accommodate and allow the manual submission of information. Nonetheless, a fully automated submission and verification platform has significantly improved compliance while reducing errors and processing time. Within this context, participants of the 2025 symposium recommended investing in an integrated political funding management system that would offer real-time analytics (IEC, 2025b, p. 45).

Partnering and Multi-Agency Working

In their introductory chapter as the editors of *Political Finance Regulation: The Global Experience*, Ohman and Zainulbhai (2009, p. 13) argued that 'global experience clearly indicates that regulation and monitoring by government agencies is not sufficient[;] an active civil society and vigilant media are necessary if effective oversight is to be achieved.' Their statement highlights that managing and regulating political funding require the involvement of various role players to achieve the desired outcome within this complex ecosystem. The Electoral Commission's implementation experience over the past four years has confirmed this complexity, and the Commission believes that political funding regulation requires cooperation among several oversight bodies. Effective coordination with institutions such as the Auditor-General, the South African Revenue Services (SARS), the FIC, and the SIU would enhance the detection of illicit flows. The creation of an inter-agency forum to institutionalise collaboration was proposed and mooted at the Political Funding Symposium in 2025.

Review and Refinement of the Legal Framework

By its nature, political funding is a dynamic phenomenon that requires a dedicated regulatory framework. This point was made eloquently by Ilham and Sari (2024, pp. 30–31), who posited that 'funding of political parties must be followed by strict control arrangements… for if it goes against the arrangement, it will be a threat to the democratic process.' Similarly, Bryan and Baer (2005) argued that

> Problems related to party financing and corruption in many Western democracies have been addressed through a series of efforts to curb the excesses of money in politics by enacting internal party reforms, legislative measures requiring spending limits and reporting of campaign funds, and public funding. (p. 20)

A critical step for South Africa is to fast-track the revision and refinement of the legislative framework governing political funding. Specific aims are to address challenges related to donation splitting, third-party campaigning, and digital-platform advertising. These areas are not sufficiently addressed in the current framework because they were either not foreseen or the extent of their presence was underestimated. The suggested improvement would ensure that regulation remains responsive to current and emerging risks, without compromising political freedoms.

Such improvements should also be supported by credible and consistent enforcement. The existing sanction in the South African framework is arguably symbolic rather than intended to deter and root out impropriety. The nominal penalty amounts of R40,000 (US$2,280) per breach (maximum for the first breach) are not high enough to discourage non-compliance. As noted earlier, at any given time, hundreds of political parties can be found that violate the PFA. During the 2025 Political Funding Symposium, participants stressed the importance of harsher penalties, with the Electoral Commission being given the necessary enforcement authority, which can be subject to a judicial review.

POLICY RECOMMENDATIONS AND THE WAY FORWARD

Our recommendations for the South African state across the legislative, executive, judiciary and other relevant stakeholders (such as the Chapter 9 institutions) are listed in this section, grouped according to specific focus areas. These recommendations are informed by the implementation of the Act over the past four years as well as the outcomes of the Symposium on Political Funding in South Africa in 2025, referred to throughout this paper.

Strengthen Enforcement Architecture

1. Consider establishing an Inspector-General for Political Funding, either under the Electoral Commission or as an independent entity,

with the necessary capacity and authority to conduct investigations with quasi-judicial powers.
2. Consider establishing an inter-agency structure that includes various regulatory and law enforcement agencies, such as the Public Protector, the SIU, SARS, FIC, the SA Police Service, and other related institutions that can help facilitate the seamless and speedy resolution of matters.
3. Mandate external audits of all represented political party accounts by the Auditor-General.

Enhance Transparency through Technology

1. Continuously monitor the performance of and introduce enhancements to the existing OPFS, transforming it into an interactive funding disclosure dashboard that aggregates donation data by parties and donors.
2. Adopt machine learning analytics to flag suspicious patterns and automate crosschecks with company and tax records.

Broaden Public Funding for Inclusivity and Fairness

1. Extend partial public funding to unrepresented parties, especially those at the local government level, for inclusivity and fairness.
2. Review the 90:10 proportional–equitable formula to determine whether it provides a fair distribution in multiparty contexts.

Reinforce the Multi-Party Democracy Fund

1. Explore methods to make the MPDF attractive to contributors through mechanisms such as tax incentives and similar options.
2. Embark on engagement programmes that would encourage the corporate sector and business community to incorporate MPDF contributions into their corporate social responsibility programmes.
3. Institutionalise the quarterly publication of MPDF expenditure reports and donor acknowledgements by political parties, with a view to demonstrating good governance and building trust.

Intensify Publicity Campaigns, Civic Education, and Awareness

1. Until now, political funding awareness has been an auxiliary part of the Electoral Commission's voter education programme. There is a need to intensify this aspect and make it a core part of the Com-

mission's outreach and civic education programme. This may further require extensive capacity-building among staff members who are not central to the political funding mandate, especially those based at provincial and local offices.
2. Build upon and strengthen the existing relationships among the Electoral Commission, the media, and civil society organisations to ensure broad and continuous reporting of political funding matters beyond the quarterly disclosure reports.
3. Collaborate with educational institutions at the secondary and tertiary levels, as well as with civil society think tanks, to initiate and coordinate seminars on political funding.

Future Legislative Reforms

1. Introduce legislative reforms with a specific focus on provisions to monitor expenditure rather than just income.
2. Research on South Africa's disclosure thresholds and upper limits demonstrates that no scientific logic was followed in their original determination. It would be prudent to comprehensively review these thresholds and caps with the aim of applying scientific logic. Variables such as the country's minimum wage, gross domestic product, inflation, and so on should be utilised as yardsticks in the same way they are used in other research. These methods should adequately bring about balance between privacy, transparency, equity and multi-partyism.

CONCLUSION

The Electoral Commission's experience of implementing the country's political funding regulation, the PFA, between 2021 and 2025 offers a worthwhile lesson. The Act and this period also represent a breakthrough in the country's democracy consolidation project. By challenging and confronting the historical reality of political finance opacity and introducing a new culture of openness and accountability in political funding, the PFA has brought South Africa in line with international democratic norms.

The institutionalisation of funding mechanisms such as the PRF, the MPDF, and the mandatory disclosure of direct funding sources has provided tangible mechanisms through which the constitutional principles of openness and fairness can be advanced. The institutionalisation of these systems within the Electoral Commission, despite limited resources, demonstrates the country's commitment to balancing the rights of political participation with safeguarding the integrity of electoral processes.

The process has not been without difficulties. Weaknesses have included limited institutional capacity, vagueness in legal provisions, low levels of compliance among mainly unrepresented political parties, and extremely low levels of public awareness. These issues challenge what might otherwise be a seamless actualisation of the Act's objectives. Emerging risks, such as circumvention by donors, inadequate regulation of third-party actors, and perceived conflicts of interest within the Commission itself threaten to weaken the prospects of transparency gains. These issues underscore the need for continuous legislative refinement, capacity building, and civic education to deepen accountability.

Ultimately, the South African case demonstrates that regulating political finance is not a one-off legislative exercise but an evolving democratic process that requires adaptability, vigilance, and societal buy-in. Sustaining progress will depend on a cooperative effort among all stakeholders, including Parliament as the lawmaker; the state as the primary funder; political parties as the primary beneficiaries and targets of the legislative framework; donors as funders and potential role players in the realisation of the ever-important democracy project; the non-profit and non-governmental sectors as lobbyists and representatives of different interest groups; and the citizenry as the ultimate beneficiaries of a functional democratic state. The need to entrench a political culture where transparency in funding is viewed not just as a legal obligation but also as a democratic virtue essential to the legitimacy and resilience of the Republic's constitutional order cannot be emphasised enough.

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BUSINESS INFLUENCE AND PARTY FINANCE IN SOUTH AFRICA:

Analysing Corporate Support, Regulatory Dynamics, and Political Will as an Adaptive System

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ABSTRACT

This article draws on complexity theory and political will analysis to examine business support for political parties in South Africa between 2021 and 2023. Using a systems dynamics approach adapted to qualitative documentary research, the study analyses budget documents, regulatory texts, disclosure reports, parliamentary records, and media reports. The aim is to establish how corporate political finance operates as a complex adaptive system, one that is characterised by emergent patterns, non-linear responses, and evolutionary dynamics. The analysis employs complexity concepts and political will indicators to identify three system attractors, namely, compliant minimalism, creative circumvention, and defiant opacity. These factors govern corporate political behaviour. The findings also indicate feedback loops between regulatory frameworks and adaptive corporate responses, including a diminishing oversight capacity loop driven by declining Independent Electoral Commission resources. Overall, the study shows how minor regulatory changes can trigger cascading effects, and how weak political will effectively enables phase transitions toward opacity. The documentary analysis methodology demonstrates that complexity theory and political will frameworks can be applied to archival materials to map human agency and the overall system's dynamics.

Keywords: complexity theory, political funding, political will, corporate political finance, systems dynamics

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INTRODUCTION

Corporate South Africa still exerts considerable influence on the country's politics, despite some of the continent's most comprehensive regulatory reforms. For instance, the *Political Party Funding Act of 2018* (PPFA) introduced transparency requirements to curb unwanted influence over South Africa's political process, but evidence suggests that corporate political engagement has adapted to these provisions. This paradox implies that corporate political finance operates as a complex adaptive system, where legislation produces emergent – and often counterintuitive – outcomes that challenge linear assumptions about cause and effect (Arthur, 1999; Holland, 1992; Miller & Page, 2007). In addition, persistent regulatory failures indicate that there is insufficient political will to sustain reform efforts in the face of implementation challenges, dwindling resources, and constantly adapting corporate circumvention strategies (Thuynsma, 2025a).

In South Africa's current context, these regulatory challenges are part of broader governance concerns. For instance, the United Nations' (UN) Sustainable Development Goal 16, which focuses on peace, justice, and strong institutions, aims to reduce corruption and develop effective, accountable, and transparent institutions at all levels. Article 7.3 of the UN Convention Against Corruption similarly emphasises the need for transparency in the funding of political parties. South Africa's experience with implementing the PPFA can therefore offer insight into the practical challenges of achieving these international governance objectives, particularly where corporate influence remains entrenched and political will is fragile.

South Africa operates a multi-party democracy with over 400 registered political parties; however, political competition is dominated by a handful of major parties. The African National Congress (ANC) has been the governing party since the country's first democratic election, but its support has declined from 62.65% in 1994 (IEC, 1994) to 40.18% in 2024 (IEC, 2024). Prior to the 2024 election cycle, the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF) were the main opposition parties. Electoral campaigns for these parties are costly affairs, with parties reportedly spending between ZAR50 million and ZAR500 million during national election cycles. These figures are contested given the opacity of party financing (Thuynsma, 2025a).

The PPFA introduced mandatory disclosure requirements for donations above ZAR100,000. Disclosure data indicates that major political parties benefited from private donations totalling ZAR559.7 million between 2020/21 and 2023/24; this includes funding from both corporate and individual contributions (Electoral Commission of SA [IEC] & HSRC, 2025). The apparent discrepancy between disclosed funding and estimated campaign expenditures suggests that underreporting remains a significant concern.

South Africa's history has long shaped the relationship between business and political parties. Before 1994, business enjoyed a close relationship with the ruling party, and large conglomerates funded the apartheid government, often covertly (Thuynsma, 2025a, 2025b; Nattrass, 1988; Innes, 1984). After the country's transition to democracy, it was hoped that this network of mutual dependence would be broken. Instead, business continues to maintain privileged access to the policy-making process (Butler, 2017; Southall, 2016).

Understanding how this relationship has evolved requires theoretical frameworks that can account for adaptation, emergence, and non-linear system behaviour. Complexity theory and political science provide ideal lenses through which to view corporate political finance as an adaptive ecosystem. This combined approach allows for documents to be studied to trace the system's dynamics and the indicators of political commitment, instead of merely recording past transactions. Analysing documents in this way also captures moments of adaptation, emergence, and transition within a complex system, along with evidence of strengthening or weakening political will (Prior, 2003, 2008; Thuynsma, 2025a). The methodology allows us to determine patterns across regulatory texts, corporate compliance reports, and investigative reporting by journalists. The aim is to reveal how simple rules force corporate strategies to evolve and how insufficient political will creates system vulnerabilities that enable these strategies to flourish.

This documentary approach also offers unique advantages for studying complex systems and political will where direct observation is not possible. Documents provide temporal depth, which means their analysis can reveal evolutionary patters over extended periods to track how political commitment strengthens or erodes throughout the implementation phases. The documents also capture system-wide phenomena that might be obscured by individual actors operating within the system, decisions that signal genuine versus symbolic political will, and any unintended consequences raised by the different regulatory measures. Lastly, a documentary analysis provides insight into business adaptation strategies that corporations may be reluctant to discuss openly in interviews or surveys. Similarly, budget documents and oversight statistics provide concrete indicators of political will that official rhetoric may otherwise obscure (Brinkerhoff, 2010; Thuynsma, 2025a).

The study explores four interconnected research questions. First, do disclosed donation documents and regulatory records contain evidence of complex system properties – that is, decisions that illustrate concepts of emergence, attractors, and non-linearity? Second, what do the documentary sources reveal about the evolutionary dynamics and adaptation of corporate strategies in response to enacted regulations? Third, does a sequential documentary analysis show that feedback loops exist between the regulations and corporate behaviour? Finally, what indicators of political will are evident in the documentary analysis, and how does political will interact with complex system dynamics to influence regulatory effectiveness?

These questions guide the study's investigation into whether an integrated complexity–political will framework can illustrate why legislation fails to achieve true transparency within the political finance system. In answering these questions, the article provides a review of the relevant literature on political finance, business–politics relations in South Africa, political will in regulatory implementation, and complexity theory applications in social systems. The theoretical framework is developed further to show how complexity concepts and indicators of political will are useful in documentary analysis.

The subsequent section on methodology explains how documents were selected, coded, and analysed. The aim was to produce findings that encompass key complexity concepts and trace how political will influences the system's properties. The concluding section discusses the theoretical contributions, policy implications, and research limitations before proposing avenues for future research.

LITERATURE REVIEW

Corporate–Party Relations

Money is at the core of politics, which means the relationship between business and political parties is an important one to understand. It is also a relationship that is underexplored in most developing democracies (McMenamin, 2012: Scarrow, 2007). Researchers who study political finance traditionally focus on either supply-side motivation to explain why businesses contribute to political parties, or they look at demand-side factors as they try to pinpoint the methods political parties use to solicit and deploy corporate resources (Nassmacher, 2009; Pinto-Duschinsky, 2002). Focusing on either aspect alone paints an incomplete picture of corporate finance. Such financing needs instead to be fully explored as an interactive system characterised by mutual adaptation between business and political actors.

Corporate political finance, within the South African context, has been shaped by changing political circumstances and a range of regulatory frameworks aimed at making the system more transparent – and by implication more accountable. During the apartheid administrations, there was an institutionalised channel of business influence, with mining houses and large conglomerates maintaining direct relationships with the ruling National Party (Lipton, 1985; O'Meara, 1996). The 1994 transition to democracy disrupted this established system and forced businesses to adapt to a more appropriate form of political engagement. In the early post-apartheid years, business tentatively established relationships with the ANC by electing to fund the party and back broad black economic empowerment initiatives (Tangri & Southall, 2008; Gqubule, 2006).

After Jacob Zuma became the president of the ANC in 2007, certain corporates evidently dabbled in the party's internal politics by bankrolling particular factions and capturing state institutions for private gain (Chipkin & Swilling, 2018; Bhorat et al., 2017). This perception was later confirmed by the Public Protector's investigation (Public Protector South Africa, 2016) and is extensively documented by the Judicial Commission of Inquiry into State Capture (2022). These findings catalysed public pressure in favour of regulatory reform and triggered Parliament to enact the PPFA.

Research on political finance has shown that regulatory measures rarely achieve their intended outcomes. The reason is that legislation does not account for the determination and creativity of political actors to circumvent the restrictions (Casas-Zamora, 2005; Ohman, 2012). Studies from diverse contexts document how disclosure thresholds trigger donors to adopt more strategic patterns, such as contributing amounts that fall just below the reporting threshold. In addition, spending limits spur creative accounting, and transparency requirements prompt a shift to in-kind contributions (Scarrow, 2006; Falguera et al., 2014). These types of regulatory evasion imply the need for theoretical frameworks that account for adaptation and strategic nuance within the political finance system.

The Role of Political Will in Regulatory Effectiveness

Regulatory interventions in corporate political finance consistently fail to achieve their intended objectives, which is why researchers must examine both the regulatory design and the political will to implement these measures. In fact, scholars frequently blame political will for policy failures but because they fail to properly conceptualise it, they use it as a rhetorical tool in which they 'generally define it by its absence' rather than its presence (Thuynsma, 2025a).

Brinkerhoff (2010, p. 1) operationally defined political will as 'the commitment of political leaders and bureaucrats to undertake actions to achieve a set of objectives and to sustain the costs of those actions over time.' This definition emphasises that political will encompasses initial policy adoption and sustained commitment through implementation challenges, resource allocation decisions, and adaptations to emerging circumstances. For corporate political finance regulation specifically, political will manifests through several observable indicators. One is the prominence of the decision-makers in policy discussions; another is the establishment of oversight mechanisms with meaningful incentives and disincentives, and a third indicator is the allocation of adequate human and financial resources. Another is the integration of implementation milestones and monitoring systems, and finally, there is the willingness to adapt policies based on evaluation findings (Thuynsma, 2025a, drawing on Brinkerhoff, 2010; Malena, 2009; Post et al., 2010).

Political will within South Africa's party finance regulation operates at multiple levels. At the individual level, political actors' personal beliefs, values, and experiences shape those actors' motivation to prioritise transparency over competing interests. At the organisational level, institutional culture, mandates, and established procedures create path dependencies that can support or undermine reform efforts. At the relational level, trust and transparency between regulatory authorities, political parties, and civil society organisations influence collective commitment to reform (Malena, 2009). The complex interplay across these levels helps explain why identical regulatory frameworks produce different outcomes across contexts, and why regulatory effectiveness fluctuates over time as political will either intensifies or wanes.

Of critical importance is that political will exists on a continuum and operates dynamically; in other words, it is not static or binary. An analysis of South Africa's PPFA and its subsequent amendments reveals that while initial legislative enactment demonstrated political will at the policy-formulation stage, subsequent implementation demonstrated a weakening commitment through inadequate resource allocation to oversight agencies. In addition, there were lenient penalties, which failed to deter non-compliance, as well as eventual legislative amendments that substantially weakened the disclosure requirements. This evolution from initial commitment to gradual erosion exemplifies how political will fluctuates in response to stakeholder pressures, resource constraints, and shifting political calculations.

The political will framework connects directly to complexity theory through an emphasis on multi-level interactions, feedback dynamics, and emergent outcomes. Weak political will at the oversight level creates balancing feedback loops that constrain regulatory effectiveness, even when formal rules appear comprehensive. Strong political will among civil society actors creates reinforcing feedback that strengthens implementation through public pressure and monitoring. The interaction between political will at different levels and across different stakeholder groups generates emergent system properties that observers cannot predict from examining any single actor's commitment. Overall, integrating political will analysis with complexity thinking provides a richer explanation for persistent regulatory failures than either framework could offer independently.

Complexity Theory and Social Systems

Complexity theory originated in the natural sciences as an attempt to explain systems that exhibited non-linear behaviour, emergence, and adaptation (Waldrop, 1992; Mitchell, 2009). The complex adaptive system is a key feature of this framework, which recognises that a system comprises multiple interacting agents, whose local decisions generate system-wide patterns that no individual agent designed or can control (Holland, 1995; Miller & Page, 2007). The system is thus driven by the emergence of macro-level patterns from micro-level interactions. It is characterised by the existence of multiple stable states or attractors, non-linear responses to interventions, continuous adaptation, and a notable sensitivity to initial conditions.

Documentary analysis offers a unique methodological advantage for studying political will along with complex system dynamics. Documents provide temporal depth to illustrate how political will evolves over extended implementation periods. Budget allocation documents, for instance, reveal resource commitments that signal genuine political will rather than symbolic gestures. Oversight statistics document whether penalties are actually imposed and collected, effectively distinguishing between nominal and operational political will. Parliamentary transcripts reflect the debate about implementation challenges and proposed adaptations; they expose the deliberative processes through which political will is negotiated and potentially strengthened or weakened. The gap between regulatory intent expressed in legislation and recorded in compliance reports illustrates unintended consequences that may arise from insufficient political will to anticipate and address implementation challenges (Thuynsma, 2025a).

This methodological approach recognises that both complexity properties and political will manifest in documentary evidence, making an integrated analysis particularly powerful for understanding regulatory failures. Documents also capture moments when insufficient political will creates vulnerabilities that enable adaptive corporate strategies to flourish. They record sequences where political will strengthens or weakens in response to stakeholder pressures, public attention, or resource constraints and create feedback loops that influence system evolution. By analysing documents for both complexity dynamics and political will indicators simultaneously, researchers can explain not only how the corporate political finance system evolved, but also why regulatory authorities are unable – or unwilling – to intervene effectively to guide that evolution toward transparency and accountability.

In an effort to better understand social phenomena, researchers have applied complexity thinking and its principles across disciplines (Byrne & Callaghan, 2014; Morçöl, 2012). Political scientists have used complexity concepts to understand institutional change, policy evolution, and governance dynamics (Geyer & Rihani, 2010; Klijn, 2008). Economic geographers have used the framework to explain industrial clustering and regional development patterns (Martin & Sunley, 2007). Furthermore, organisational theorists have drawn on complexity theory to understand adaptation and interorganisational networks (Anderson, 1999; Lichtenstein, 2000).

Despite this growing interest, such applications have highlighted methodological challenges in studying complex social systems (Reed & Harvey, 1992; Richardson, 2008). Mathematically based modelling approaches that include agent-based and system dynamics simulations are powerful tools for exploring systemic behaviour, but they require strong assumptions about agent behaviour and the rules that guide their interactions (Epstein, 2006; Axelrod, 1997). As a result, there have been forays into formulating qualitative approaches that operationalise complexity concepts and demonstrate empirical validity, but to date they remain rather limited. This study aims to contribute to this methodological development. The aim is to demonstrate how documentary analysis and attention to patterns of textual evidence can reveal complex system properties.

Documentary Analysis and System Dynamics

Documentary analysis and its role in social research have evolved from early content analysis to more theoretically sophisticated treatments of documents as social constructions and system artefacts (Prior, 2003; Scott, 1990). The analytical procedure recognises that documents contain more than passive repositories of information; they also record active agents in social processes that reflect and indeed constitute social realities (Prior, 2008; Atkinson & Coffey, 2004). This kind of documentary analysis enables tracing a system's dynamics.

Forrester (1961) pioneered system dynamics as a mathematical modelling approach to understanding how systems behave. Sterman (2000) developed models to emphasise feedback loops, accumulation processes, and non-linear relationships. To adapt these concepts for qualitative documentary analysis requires translating mathematical constructs into interpretive frameworks appropriate for textual evidence. Feedback loops, for instance, appear as documentary sequences that show how actions trigger responses that, in turn, influence subsequent actions. Accumulation processes manifest in the progressive elaboration of strategies across the documents. Non-linearities also emerge through disproportionately documented responses to specific interventions.

Applying complexity concepts to documentary evidence is still relatively underdeveloped, but the approach has the potential to study systems where direct observation is impractical. This article attempts to demonstrate that complexity theory and documentary analysis can be combined to produce claims that might otherwise remain speculative. By treating documents as system artefacts and applying systematic analytical procedures, researchers can identify emergent patterns, trace evolutionary dynamics, and map feedback loops through careful attention to textual evidence across diverse document types and temporal periods.

THEORETICAL FRAMEWORK: COMPLEXITY THEORY AND CORPORATE POLITICAL FINANCE

Conceptualising Corporate Political Finance as a Complex System

When viewed as a system, corporate political finance exhibits characteristics closely aligned with the defining features of complexity theory. For instance, the system comprises multiple heterogeneous agents, including corporations with diverse political objectives, political parties competing for resources, regulatory authorities attempting to conduct proper oversight, and civil society organisations bent on monitoring compliance. These agents use donation transactions, regulatory interventions, oversight actions, and public disclosure mechanisms to interact with each other, potentially triggering cascading effects throughout the system.

In addition, the concept of emergence manifests in corporate political finance through system-wide patterns that arise without central design or explicit coordination. Each corporation makes its own independent decision about making a political contribution based on local information and organisational objectives. When analysed collectively, however, these independent decisions may generate observable patterns, such as clustering of donations at specific thresholds or the convergence of particular contributing strategies across unrelated entities. Examining a single corporate actor will not reveal these emergent patterns; they become apparent through a system-level analysis of documentary evidence.

The theory of system dynamics also introduces the concept of attractors, which refers to the stable states toward which systems evolve from their specific initial conditions (Kauffman, 1993; Strogatz, 2014). The corporate political finance system attractors manifest as recurring behavioural patterns that persist across different organisations and time periods. Some corporations, for instance, may be attracted to full legal compliance and choose to exceed the minimum requirements for transparency by doing so voluntarily. Others may opt to creatively circumvent legislation by remaining technically compliant, but their actions (or inactions) effectively undermine the regulations' intent. Yet other corporations may be attracted to defying the regulations outright. These various attractors represent stable equilibria in the corporate finance system, with specific factors influencing an organisation's approach.

Another fundamental feature of complex systems is that cause and effect relationships are often neither proportional nor easily predictable (Jervis, 1997; Byrne, 1998). In linear systems, doubling an input approximately doubles the output. Complex systems, however, operate in a non-linear manner, where small changes trigger disproportionate responses and diminishing returns. The corporate political finance system demonstrates this nonlinearity through varying responses to regulatory interventions. Introducing disclosure thresholds, for instance, may trigger dramatic behavioural changes, such as corporations choosing to cluster their contributions just below the mandatory threshold levels. This would represent a highly nonlinear response to what regulators envisioned as a transparency-enhancing measure.

Feedback Loops and Evolutionary Dynamics

A central mechanism driving complex system behaviour is that outputs *feed back* to influence subsequent inputs (Richardson, 1991; Sterman, 2000). Within the corporate finance system, for instance, regulatory interventions trigger corporate adaptations, which prompt regulatory responses and create an ongoing cycle of action and reaction. Reinforcing feedback loops amplify changes and can potentially drive rapid system evolution. When regulators identify a circumvention strategy and close that loophole, corporations develop new strategies, which prompt further regulatory responses. This evolutionary dynamic represents a reinforcing loop that drives increasing sophistication in both regulatory frameworks and circumvention techniques.

A balancing feedback loop works to stabilise a system by counteracting deviations from the equilibrium (Meadows, 2008). Reputational concerns, for example, may function as a balancing mechanism. As corporate political activities become more aggressive or legally questionable, reputational risks increase, which may limit further escalation. In addition, oversight actions that impose meaningful costs may create balancing effects that limit non-compliance. The relative strength of reinforcing versus balancing feedback loops determines whether the system exhibits continuous escalation or moves towards stable equilibria.

Complex systems, such as the corporate political finance system, evolve because of the dynamics created by variation, selection, and retention strategies (Nelson & Winter, 1982; Axelrod & Cohen, 1999). This happens because organisations experiment with various contribution strategies. Some corporations adopt selective strategies that are relatively effective for achieving their political objectives while also minimising their risk. Others chose to retain successful strategies through institutional isomorphism (DiMaggio & Powell, 1983). This evolutionary process compels corporations to adopt progressively sophisticated political strategies across successive generations, with each generation learning from previous regulatory responses.

Translating Complexity Concepts for Documentary Analysis

To apply complexity theory to documentary analysis requires translating the concepts used for mathematical modelling into suitable interpretive frameworks. For instance, patterns that appear consistently across independent documents without evidence of coordination or central design are indicative of the concept of emergence. Within the context of a corporate political finance system, emergent system-level behaviour is discernible when corporate disclosure reports from unrelated companies show the same pattern of donation clustering at specific thresholds. Another example is the use of similar language when describing political engagement policies.

Documents that illustrate stable recurring patterns that persist despite contextual variations are examples of attractors. Attractor states exist, for instance, when an analysis of compliance reports across different periods and organisational types reveals a cluster of behaviour. To identify these patterns, a statistical clustering analysis of the documentary data can identify whether the observed patterns are genuine attractors or random variation. Attractors are different from transient phenomena if the analysis reveals patterns that are stable and resistant to perturbations.

Furthermore, documentary analysis can highlight phase transitions, where systems shift qualitatively from one stable state to another (Scheffer et al., 2009). A system has experienced a phase transition when corporate documents suddenly shift in language use, compliance patterns change in regulatory reports, or oversight statistics vary in annual reports. Certain warning signs indicate that a phase transition is imminent, which a longitudinal documentary analysis can reveal. Examples include increased variance in measured indicators, slower recovery from perturbations, or behaviour patterns that become increasingly polarised.

Lastly, documentary sequences demonstrate how feedback loops emerge by identifying trigger responses that influence subsequent actions. Tracing action-response cycles is possible by temporally ordering documents such as legislation, directives, and oversight reports in sequence with corporate documents, such as annual reports, governance policies, and public statements. Sequencing documents in this manner helps to identify which changes preceded others. The approach allows researchers to infer causal relationships within the feedback loops. The analysis can also determine the system's responsiveness and adaptation speed based on the average lag time between regulatory interventions and documented corporate responses.

METHODOLOGY

Research Design and Sampling Strategy

To examine corporate finance in South Africa as a complex adaptive system, this article presents a systematic documentary analysis using evidence from January 2021, when the PPFA disclosure requirements became operational, through December 2023. This three-year window reflects the initial implementation challenges, corporate adaptation processes, and early regulatory responses. It also provides temporal depth for identifying evolutionary dynamics while maintaining analytical tractability. During this period, critical developments occurred in regulatory oversight and in the strategic evolution of corporations.

Although the 2021–2023 period may seem rather limited for identifying long-term evolutionary dynamics, several factors justify this temporal scope. First, the period represents the initial implementation phase after the PPFA's enactment, when adaptive corporate responses to new regulatory requirements were most visible. Second, quarterly disclosure data from the IEC provide granular evidence of changing corporate behaviour within this timeframe. Third, focusing on this period allows for detailed documentary analysis of regulatory responses and indicators of political will, which might otherwise be diluted over longer timescales.

This study draws on the author's previously developed indicators of political will (Thuynsma, 2025a), which were adapted from the frameworks proposed by Brinkerhoff (2010), Malena (2009), and Post et al. (2010). The indicators were used to examine documents for the following aspects: 1) the prominence and sustained engagement of decision-makers in policy discussions; 2) the establishment and actual deployment of oversight mechanisms; 3) resource allocation patterns revealing genuine rather than symbolic commitment; 4) integration of implementation milestones and adherence to timelines; 5) existence and funding adequacy of monitoring systems; 6) regularity and quality of evaluation reports;

and 7) evidence of policy adaptation based on evaluation findings. The indicators also complemented the complexity-focused coding categories. Furthermore, they enabled an analysis of how the strength of commitment at various system levels influenced the emergent dynamics and evolutionary trajectories.

Rational for Strategic Sampling

Given the substantial volume of potentially available documents, this study used a strategic sampling approach designed to maximise analytical depth and theoretical insight while maintaining empirical rigour. The approach followed established qualitative research principles, namely, purposive selection, theoretical saturation, and information richness. These aspects were more relevant than statistical representativeness (Patton, 2015; Creswell & Poth, 2018). The selected methodology accommodated complexity theory and was focused on identifying system-wide patterns and dynamics, rather than quantifying precise distributions. In other words, the study did not attempt to exhaustively document all corporate political contributions. Instead, the methodology was focused on identifying and analysing cases that would clearly reveal complex system properties.

Documentary Corpus and Data Sources

Documents were selected across three primary categories, which reflected the realities of information availability within a politically sensitive domain, where corporate actors deliberately minimise their transparency.

Category 1: Regulatory documents and annual reports

The bulk of the sample was regulatory documents. These play a foundational role in establishing system rules and documenting regulatory responses. This category included the PPFA and all associated regulations establishing the regulatory framework within which corporate actors operate. This includes the *Constitution of the Republic of South Africa* (1996); the *Constitutional Matters Amendment Act 15* (2005); the *Determination of Delegates (National Council of Provinces) Act* (1998); the *Electoral Amendment Act 1* (2023); the *Electoral Commission Act 51* (1996); the *Electoral Matters Amendment Act 14* (2024); the *Executive Members' Ethics Act 82* (1998); the PPFA (2018); the *Promotion of Access to Information Act 2* (2000); and the *Public Funding of Represented Political Parties Act 103* (1997).

The first category also included the annual reports of the Independent Electoral Commission (IEC) and its Political Party Funding Unit.[2] In addition,

2 Details of these sources appear in the Appendix. They were published by the Independent Electoral Commission between 2021 and 2023; available at https://www.elections.org.za/pw/

directives and interpretive guidelines that clarify regulatory requirements were included, as these documents reveal how authorities translated legislative intent into operational requirements. Also included was a sample of reports from the Parliamentary Portfolio Committee on Home Affairs (2021, 2022, 2023)[3] and the Standing Committee on Finance (2021, 2022, 2023)[4] that examined the implementation of the PPFA, focusing on major reviews. These documents synthesised the implementation challenges and proposed regulatory responses. Finally, the IEC's annual reports covering all three years provided the necessary oversight statistics to identify compliance trends.

In addition, five purposively sampled court judgments adjudicating disputes arising from the PPFA were included in the data collection. The purpose was to establish important precedents and reveal significant compliance issues. The judgments included *AmaBhungane Centre for Investigative Journalism v President of the Republic of South Africa*; *Electoral Commission of South Africa v African Independent Congress*; *Institute for Democracy in South Africa v African National Congress*; *My Vote Counts NPC v Minister of Justice and Correctional Services*; and *One Movement South Africa NPC v President of the Republic of South Africa*.

Category 2: The IEC's disclosure documents

The IEC's quarterly disclosure documents across five focal quarters constituted the study's primary empirical foundation. These included all four quarterly reports for 2021, 2022, and 2023 (IEC 2021/2022; 2022/2023; 2023/2024). These official disclosures provide the only comprehensive data on corporate political contributions above the ZAR100,000 threshold, because South African corporations do not voluntarily report on any political activities in their annual reports or governance documents.

The systematic absence of voluntary corporate disclosure is indicative of the strategic opacity and minimal compliance approaches that corporations employ. It also shows that corporations only report to the IEC when they are legally required to do so, which exemplifies the compliant minimalism attractor identified in the study's findings. This gap between regulatory disclosure and corporate communication represents a form of strategic management that reinforces the study's complexity analysis. Furthermore, the focal quarter approach also enabled a systematic analysis of temporal patterns, entity structures, and contribution strategies, while remaining feasible within the research constraints.

3 Details of these sources appear in the Appendix. They were published by the Portfolio Committee on Home Affairs / Parliamentary Monitoring Group between 2021 and 2023; available at https://pmg.org.za/committees.

4 Details of these sources appear in the Appendix. They were published by the Standing Committee on Finance / Parliamentary Monitoring Group between 2021 and 2023; available at https://pmg.org.za/committees.

Category 3: Interpretative and analytical frameworks

Civil society and media reports provided crucial interpretive frameworks and analytical depth that official documents alone could not offer. My Vote Counts, which is South Africa's leading political finance transparency organisation, conducted extensive analyses of the IEC's disclosure patterns. It also submitted expert testimony to parliamentary committees and published detailed reports identifying circumvention strategies. These analyses proved invaluable for identifying patterns not immediately apparent in the raw disclosure data.

Media reports from investigative journalists at the *Daily Maverick's* Scorpio unit, the AmaBhungane Centre for Investigative Journalism, and the *Mail and Guardian's* data journalism team provided a forensic analysis of donation patterns, entity relationships, and temporal coordination (Butler, 2024; Corruption Watch, 2016, 2015; Davis 2023; Dentlinger, 2024; Du Plessis, 2021; Felix, 2023; Ferreira, 2022; Makhanya, 2022; Masungwini, 2022; Matwadia, 2021; Milo & Pillay, 2021; Njilo, 2022, 2024; Payne, 2022; Steyn, 2023; Stoltz, 2021; Subramoney, 2021). Such investigations employ source cultivation, cross-referencing, and investigative techniques. They can reveal system dynamics beyond what appears in official documents. The selection criteria in this study prioritised substantive investigations, multiple-source reporting, novel empirical insights, and coverage of diverse corporate strategies across the study period.

FINDINGS

Corporate Political Finance as a Complex Adaptive System

This section presents findings based on observable patterns in the disclosed donations (above ZAR100,000) as well as regulatory resource allocation and recent legislative changes. All these data sources illustrate complex system dynamics and the failure of political will. There is also evidence that genuine political will, through resource allocation and legislative action, exists but is obscured by rhetoric. The findings highlight clear warning signs with implications for policy.

What Documentary Evidence Reveals

This section presents a synthesis of the documentary evidence. It is important to note that the IEC plays both an enforcement role (as it imposes penalties for non-compliance) and a broader oversight mandate. The latter role includes receiving and publishing financial data, providing advisory services to regulated entities, offering guidance on compliance, and commenting on the operation of the legal framework. The distinction matters because political will and institutional capacity can be measured, firstly, through enforcement actions that are taken, and, secondly, by the quality and consistency of the IEC's oversight activities, including its ability to help interested stakeholders comply with regulatory legislation.

This study's documentary analysis also shows that civil society organisations are essential partners in political finance oversight, not merely substitutes for inadequate state capacity. Even in jurisdictions with well-resourced regulatory bodies, these non-state actors play irreplaceable roles in monitoring compliance, investigating potential violations, and providing independent verification of disclosed information. The International Foundation for Electoral Systems (IFES) noted in its oversight framework that effective political finance regulation requires collaborative relationships between oversight bodies and civil society organisations, with each bringing distinct capabilities and perspectives to the monitoring ecosystem (IFES, 2024). Organisations such as Corruption Watch, Open Secrets, the Organisation Undoing Tax Abuse, and My Vote Counts have made sustained efforts to raise public awareness regarding transparent political funding and exert pressure on political parties and the IEC to fulfil the PPFA requirements (Thuynsma, 2025a).

However, relying on civil society to monitor regulatory mechanisms is a key manifestation of a lack of political will. In other words, when government institutions demonstrate unwillingness or incapacity to oversee their own transparency legislation, citizens must resort to litigation to compel regulatory compliance. This structural dynamic effectively transfers oversight costs from the state to civil society actors. At the same time, it enables governing parties to derive political advantages from deliberately weakening the transparency requirements they publicly endorse.

In addition, structural constraints limit civil society's ability to monitor legislation – which is precisely why these oversight organisations need substantial resources to litigate, investigate, and pursue sustained monitoring activities. This burden falls disproportionately upon civil society organisations and opposition political parties, which are already hamstrung by their limited capacity. In recent research (Thuynsma, 2025a), I noted that political parties must expend considerable financial resources to navigate the judicial system to ensure that authorities properly uphold policy provisions.

Civil society's role exemplifies a distributed oversight architecture within complex adaptive systems. Rather than depending exclusively upon a centralised regulatory authority, organisations dedicated to promoting transparency establish multiple monitoring nodes that are dispersed throughout the system, with each organisation specialising in a particular oversight dimension. For instance, investigative journalists uncover undisclosed donations. Legal advocacy organisations pursue the closure of regulatory loopholes. Civic education initiatives mobilise public pressure to increase compliance.

A salient illustration of effective civil society oversight appears in the AmaBhungane Centre for Investigative Journalism's successful challenge to interpretations of the *Executive Members' Ethics Act (1998)* in the High Court. This litigation established that Section 96 of the Constitution mandates that executive members must disclose all donations to their political campaigns, not merely gifts they receive in their private capacity (Milo & Pillay 2021; Payne 2022). This judicial intervention extended the transparency requirements beyond the PPFA's original legislative scope. It demonstrates how civil society actors can substantively strengthen oversight frameworks when the state demonstrates inadequate capacity.

Civil Society Monitoring as Distributed Oversight

On 10 May 2024, in a case that began in 2023, the Electoral Court delivered its first major compliance judgment in *Electoral Commission of South Africa v African Independent Congress and others.* The court found 486 political actors non-compliant with PPFA provisions and imposed fines between ZAR10,000 and ZAR40,000 each. This modest fine structure creates a counterintuitive and somewhat perverse incentive. Corporate donors or political parties calculating their disclosure risks may find the penalties trivial compared to the reputational costs of public association with particular political entities. A ZAR40,000 maximum fine represents a minimal deterrent for corporations capable of making contributions of ZAR100,000 or more. This cost–benefit calculation explains why there is persistent non-compliance, especially within the corporate sector, despite the formal legal requirements.

In addition, the Human Sciences Research Council (2023) survey found that stakeholders were sceptical that political parties possessed the political will to comply with the provisions, or that the IEC had the capacity to appropriately oversee them. This scepticism reflects the observed patterns. That is, despite the threshold limits and capacity constraints, relatively few parties achieved full compliance between 2021 and 2023. In addition, most political parties lacked the financial management infrastructure to track their donations across multiple sources and reporting periods (Netshakhuma, 2021). Parties accepting grants from the Multiparty Democracy Fund, moreover, typically commingled these funds with other resources, rendering the required expenditure reporting difficult or impossible. When parties cannot comply because they lack sufficient capacity, the oversight authorities face the dilemma of whether to impose penalties or overlook the violations, which would undermine regulatory credibility.

From a complexity perspective, weak regulatory oversight favours circumvention strategies. In other words, corporate actors perceive the system as rewarding strategic non-disclosure – because they can expect such mild penalties – rather than rewarding regulatory compliance. This feedback loop drives evolutionary dynamics toward increasingly sophisticated circumvention techniques. This is precisely the pattern that complexity theory anticipates in environments with weak oversight capabilities.

Oversight Capacity and Compliance Patterns

Recent legislative changes strongly validate complexity theory's predictions about system regression and the fragility of political will. In May 2024, Parliament passed the Electoral Matters Amendment Bill (EMAB), fundamentally altering the PPFA's transparency provisions just weeks before the 2024 National and Provincial elections. The EMAB removed the ZAR15-million cap on single-donor contributions and suspended the disclosure thresholds, pending a presidential determination of new limits (Thuynsma, 2025a). This step effectively created a temporary regulatory vacuum precisely when the electoral system faced its greatest transparency needs. In addition, although the EMAB purported to address technical requirements for independent candidates introduced by the 2023 Electoral Amendment Act, it also satisfied the ANC's demands (recorded in its 2017 PPFA submission) for higher disclosure thresholds and increased donation limits.

These findings point to the fact that transparency represents an unstable equilibrium that requires a sustained commitment to oversight. Overall, the EMAB illustrates that complex political systems can regress to their previous stable states if political will weakens. Once that commitment was eroded because of budget cuts and implementation delays, the system gravitated back toward its historic attractor, namely, opacity in political financing. The EMAB represents not an unpredictable rupture but the logical culmination of weakening commitment patterns, which were documented throughout the study period. The budget cuts that constrain the IEC's capacity to implement its mandate, as well as the lenient oversight measures that enable non-compliance, together with the number of parties that complained about the disclosure requirements, all indicate that the system is gradually eroding.

From a complexity perspective, the EMAB illustrates system memory and attractor dynamics. Despite three years of transparency requirements, the political system remembered the benefits parties had derived from shielding their benefactors; hence, it reverted toward an equilibrium. The memory of those benefits added to the sluggish implementation and, ultimately, the full suspension of necessary disclosure and donation limits (Thuynsma, 2025b).

Legislative Reversal

Resource allocation operates as an observable indicator of political will in ways that rhetoric can obscure. As the EMAB illustrates, government officials may publicly support transparency, while also quietly undermining oversight capacity through budget cuts (for example). The IEC's budget faced cuts totalling ZAR800 million over three years (2023–2025). This included a ZAR281-million cut in 2024, which the organisation noted would adversely affect its ability to recruit the staff necessary to implement the PPFA (Dentlinger, 2024).

This budget reduction directly contradicts the expressed commitment to transparency and oversight. The PPFA established comprehensive disclosure requirements and oversight mechanisms, which created substantial monitoring obligations for the IEC. Reducing the IEC's capacity to fulfil these obligations signalled a weakening political will at the implementation stage; this is precisely the pattern Brinkerhoff (2010) identified as characteristic of policy systems where initial legislative commitment is eroded through resource starvation.

The causal relationship between resource constraints and political erosion warrants careful consideration. One interpretation suggests that budget cuts and implementation delays may reflect diminished political commitment rather than being its cause. Private donations to political parties totalled ZAR559.7-million between 2020 and 2024, a modest amount compared to the more than ZAR6.5 billion in public funding during the same period (IEC & HSRC, 2025, p. 37). The former figure represents only disclosed donations above the ZAR100,000 threshold, which means total private funding is understated. Nonetheless, political parties' experience of operating under mandatory disclosure requirements and the potential reputational risk for their donors may have created incentives to weaken the oversight mechanisms.

Hence, rather than a simple linear progression in which budget cuts caused political will to erode, the relationship appears more complex. The tension between the transparency requirements and the parties' resource mobilisation strategies created an incentive to weaken the oversight capacity, which was then justified by citing resource constraints. This interpretation finds support in the timing of budget reductions, which coincided with the initial implementation phase of the PPFA's disclosure regime.

Again, from a complexity perspective, this inadequate resource allocation creates conditions that enable adaptive circumvention. When oversight authorities lack the capacity to monitor comprehensively, investigate thoroughly, and sanction effectively, corporate actors understand that the system will tolerate non-compliance. This feedback loop reinforces the adaptive strategies that exploit weak oversight. This is the exact dynamic that complexity theory predicts when monitoring mechanisms fail to match a system's complexity.

Resource Allocation as an Indicator of Political Will

The documentary analysis of the IEC's disclosure reports from 2021–2023 revealed patterns in donations above the ZAR100,000 public disclosure threshold. The documented disclosures demonstrate that the PPFA's transparency mechanisms functioned well enough when corporations and parties chose compliance. The disclosure reports show that the DA declared donations from the following sources: the Friedrich Naumann Foundation (cash and in-kind); the Danish Liberal Democracy Programme; the Dutch Volkspartij Voor Vrijheid En Democratie (in-kind support); Polyoak Packaging (PTY) Ltd; the media conglomerate Naspers; and the former British Conservative Party chief executive, Sir Michael Lawrence Davis (Thuynsma, 2025b). These disclosures reveal international funding patterns within legal parameters. Foreign individuals may donate up to ZAR5-million annually, and foreign foundations may support training and policy development initiatives.

The same disclosure reports show that the ANC declared multimillion-rand donations from Chancellor House, Botho Botho Commercial Enterprise PTY LTD, African Rainbow Minerals, NEP Consulting, Nonkwelo Investment Holdings, Mahestic Silver Trading 40 (PTY) Ltd, and United Manganese of Kalahari. Individual donors included President Cyril Ramaphosa and businessman Cedric Muziwakhile Ntombela.

The EFF declared donations from South African billionaire Patrice Motsepe's African Rainbow Minerals, as well as Harmony Gold Mining, 3Sixty Health, South African Breweries, and SN Maseko. Interestingly, African Rainbow Minerals supported several opposition parties, totalling approximately ZAR3.5-million, with the DA receiving ZAR2.115-million. This pattern indicates that corporations, at least those that were willing to disclose their donation decisions, diversified their political contributions across multiple parties, rather than concentrating their support on single entities.

In addition, opposition parties including Abantu Integrity Movement, African Christian Democratic Party, Patriotic Alliance, and GOOD Party also declared donations exceeding ZAR100,000 between 2021 and 2023. Furthermore, ActionSA, a newly formed opposition party, received multimillion-rand donations from Martin Moshal and three members of the Oppenheimer family, all of whom were also generous supporters of the DA. This point indicates that new political entities may attract substantial disclosed support. Clearly, many political parties successfully declared their donations during that period. There was demonstrable compliance among corporations and parties that were willing to operate transparently within the regulatory framework.

Disclosure Patterns Above the ZAR100,000 Threshold

The documentary analysis revealed a critical limitation in assessing corporate political finance dynamics under South Africa's PPFA, namely, the fact that donations must only be disclosed if they exceed the ZAR100,000 threshold. This shows that the Act's structure creates fundamental observability gaps that constrain empirical investigation.

DISCUSSION

Theoretical Contributions

This study makes several theoretical contributions to the understanding of corporate political finance and complex adaptive systems. First, it demonstrates that corporate political finance exhibits the fundamental properties of complex adaptive systems. That is to say that system-wide patterns emerge from distributed decision-making, that multiple stable attractors representing different equilibrium states exist, that there are signs of non-linear responses to regulatory interventions, that feedback loops drive evolutionary dynamics, and that the capacity for phase transitions represent qualitative system shifts. These findings imply that theoretical frameworks assume a linear relationship between regulatory interventions and behavioural responses. This assumption fundamentally mischaracterises the dynamics of the corporate political finance system and can contribute to persistent policy failures.

The EMAB case provides concrete evidence for this study's complexity-theoretic predictions regarding system memory and phase transitions. The legislative rollback demonstrates that the political finance system 'remembers' the benefits parties derive from shielding benefactors and actively resists transparency-enhancing reforms (Thuynsma, 2025b). This system memory is encoded in political calculations and institutional practices. It creates attractors that pull the system back toward opacity, even after formal regulatory changes are made to mandate transparency. The ANC, using its parliamentary dominance to enact the EMAB through a hurried process, exhibited political will directed toward weakening rather than strengthening transparency. This finding illustrates how political will operates bidirectionally to either advance or undermine reform objectives.

Moreover, the EMAB enactment coincided with a substantial budget cut to the IEC equalling ZAR800 million between 2023 and 2025. These two moves together directly compromised the Commission's capacity to oversee the remaining PPFA provisions (Thuynsma, 2025a; Dentlinger, 2024). This combination of weakened disclosure requirements and reduced oversight capacity exemplifies a diminishing oversight feedback loop. As regulatory frameworks were eroded and oversight resources declined, the balancing mechanisms that should have constrained corporate political finance opacity were progressively disabled. This shift could potentially trigger a phase transition toward the defiant opacity attractor.

From a complexity perspective, the EMAB represents not merely policy reversal but evidence of the system approaching a critical transition point. The warning signals documented in the findings section – namely, budget cuts, lenient oversight mechanisms, and parties that complain about disclosure burdens – culminated in the passage of the EMAB. This sequence validates complexity theory's prediction that systems under stress will exhibit detectable warning signals before a transition; in the South African case, documentary evidence captured these signals in real time. Overall, the EMAB represents the system's regression from transparency toward opacity.

The identification of three distinct attractors in corporate political finance contributes to a broader understanding of business–politics relationships. The compliant minimalism attractor suggests that many corporations adopt satisfying approaches to political engagement, doing enough to maintain political access while minimising disclosure risks and reputational exposure. The creative circumvention attractor reveals a substantial corporate population willing to invest resources in sophisticated legal and organisational architectures designed to achieve political influence, while technically complying with the regulations. The defiant opacity attractor indicates that some corporate actors calculate that the benefits of opacity exceed the costs of non-compliance, even when facing regulatory sanctions.

The attractors represent stable equilibrium states, rather than points along a continuum from compliance to non-compliance. This understanding has implications for regulatory design. For example, interventions that can effectively shift behaviour within attractors may differ from interventions that are able to move organisations across the attractors.

This study contributes methodologically by demonstrating how concepts from complexity theory can be rigorously applied to documentary analysis. Previous complexity research has relied primarily on mathematical modelling approaches or direct observation of system dynamics. This study, by contrast, shows that documents can serve as system artefacts that reveal complex dynamics if careful attention is given to patterns across document types and time periods. Emergence, for instance, appears through concordant patterns in independent documents. Attractors manifest as stable, recurring documentary patterns. Non-linearity is evident in disproportionate documented responses. Phase transitions appear as documentary discontinuities. This methodological contribution expands the options for studying complex systems in domains where direct observation is impractical, or where mathematical modelling requires unrealistic assumptions about agent behaviour.

For political finance scholarship, the findings challenge the prevailing assumptions underlying regulatory design. Most political finance regulations implicitly assume linear, mechanical relationships between rules and behaviour, where introducing disclosure requirements straightforwardly enhances transparency, raising thresholds proportionally affects reporting volumes, and increasing penalties uniformly improves compliance. The complex adaptive systems perspective reveals that these assumptions are fundamentally flawed. Corporate actors adapt strategically to regulations, creating emergent patterns that legislators never anticipated. Different organisational types, for instance, respond differently to identical regulations, producing nonlinear aggregate effects. There are also signs that regulatory interventions trigger evolutionary processes, in which each generation of corporate strategies builds on previous adaptations, creating strategic adaptation dynamics. These complexity dynamics can help to explain persistent regulatory failures. Furthermore, they point to alternative approaches to governing corporate political finance.

Policy Implications

Understanding corporate political finance as a complex adaptive system suggests that fundamentally new regulatory approaches are needed in South Africa and internationally. First, regulators should explicitly anticipate the emergence of unintended patterns and should therefore design adaptive regulatory frameworks that can respond to emergent phenomena. In other words, rather than simply raising the disclosure thresholds if parties complain about the compliance burden, regulators should recognise that any threshold creates an incentive for strategic fragmentation. Documentary evidence clearly shows that political will has been eroded through budget cuts and legislative reversal and the current PPFA is designed to make sub-threshold behaviour unobservable. Regulatory design should be based on the assumption that corporate actors will exploit structural vulnerabilities such as observability gaps. Regulators should build monitoring systems accordingly.

Second, regulatory interventions could focus on shifting attractor states, rather than attempting to modify behaviour within existing attractors. The evidence suggests that most regulatory efforts target organisations that are already in the compliant minimalism attractor; this is an attempt to extract marginal additional transparency from entities that are already compliant. Such efforts face strong resistance because they work against the attractor's pull. Alternatively, interventions could make transparency more attractive by increasing the reputational costs of opacity, thereby destabilising its attractor. Regulators who understand these attractor dynamics can see that bold, targeted interventions may be more effective at disrupting entrenched behaviours than gradual, incremental changes.

Third, regulatory authorities should disrupt evolutionary dynamics that are driven by progressively sophisticated circumvention strategies. The generational progression documented in this study reveals systematic adaptation by corporate actors. Such adaptation is the reason why regulators should interrupt evolutionary processes through employing strategically unpredictable oversight priorities as well as penalties and audit procedures. If corporations cannot reliably predict regulatory responses, it becomes riskier and less attractive to develop elaborate circumvention strategies. Randomised oversight, varying penalty structures, and irregular audits could disrupt the stable learning environment that enables circumvention techniques.

Fourth, as the warning signals identified in the documentary evidence suggest, monitoring systems should incorporate indicators that can warn of approaching phase transitions. This would enable proactive interventions before critical points are reached. Regulatory authorities equipped with complexity-informed monitoring frameworks could detect such warning signals earlier and implement stabilising interventions before a transition occurs. Alternatively, if transitions toward greater transparency appear possible, authorities might implement strategic interventions designed to tip the system toward preferred equilibria.

Finally, the regulatory authorities require enhanced analytical and adaptive capacity to govern complex adaptive systems effectively. The IEC's declining investigation abilities, as documented in this study, reflect instead resource constraints, which limit regulatory effectiveness. Beyond resource increases, however, regulators also need expertise in complex systems analysis, real-time monitoring capabilities, rapid response mechanisms, and organisational cultures that embrace adaptation rather than rigid rule application. Building such capacity represents a substantial investment. However, it may prove essential for the effective governance of corporate political finance and other complex policy domains.

Beyond regulatory reforms, addressing South Africa's political finance challenges requires coordinated action across multiple stakeholder groups. For the private sector, evolving global norms around responsible business conduct, such as the UN Global Compact and its principles on anti-corruption, provide frameworks for corporate self-regulation in political engagement. South African corporations could voluntarily adopt enhanced disclosure standards that exceed legal requirements. They could establish internal governance protocols for political contributions and publicly commit to transparency principles that align with international best practices. Such voluntary measures could help restore public trust, while reducing the compliance burden on regulatory bodies.

The media and civil society organisations (as discussed earlier) play indispensable roles in providing political finance oversight. Strengthening these actors' capacity and encouraging closer collaboration with the IEC could help compensate for the Commission's limited resources, while building more resilient oversight architecture. Efforts in this area could include formalised information-sharing protocols, collaborative investigation mechanisms, and structured opportunities for civil society to provide input on regulatory policy development. International donors and foundations could support such capacity-building efforts through targeted funding for investigative journalism units and civil-society monitoring programmes.

Finally, these domestic efforts would benefit from international peer learning and comparative analysis. South Africa's experiences with implementing political finance reform under conditions of weak political will and resource constraints mirror the challenges that other African democracies and developing countries worldwide are facing. Systematic comparisons can be drawn with jurisdictions that experience similar dynamics; such research could justify transferable solutions, while highlighting context-specific factors that could affect the reform effort.

Limitations and Future Research

This study encountered several limitations, which can inform directions for future research. First, documentary analysis alone cannot capture certain (undocumented) behaviours or informal dynamics that may strongly influence corporate political finance. For example, private conversations among corporate representatives and political actors, informal understandings about quid pro quo expectations, and tacit agreements about contribution levels and timing leave minimal traces in terms of documentary evidence. Hence, the patterns identified through this documentary analysis represent only the visible portion of corporate–political interactions. Substantial activity potentially occurred beyond the documentary records.

In addition, selection bias could have affected the documentary corpus, despite the systematic sampling procedure. Corporations engaging in questionable political finance activities may deliberately minimise the documentary evidence, which would mean that the most concerning behaviours would be systematically underrepresented in available documents. Investigative journalism partially addresses this limitation by uncovering hidden activities; however, journalists face their own access constraints and resource limitations. Future researchers could employ complementary methods, such as interviews with corporate political affairs personnel and political party fundraisers. The purpose would be to access information that is unavailable through documents alone. Nonetheless, such research would face obvious challenges in politically sensitive domains.

Second, although the three-year study period was sufficient for identifying initial adaptation patterns and evolutionary dynamics, it may have been too brief for observing complete cycles of feedback loops or long-term attractor stability. Some system dynamics can operate on longer timescales than this study examined. Future studies should employ an extended temporal coverage. This would enable them to assess whether the patterns identified here have persisted over longer periods or represented a transient response to regulatory novelty. Furthermore, a comparative analysis across several regulatory transitions might reveal whether evolutionary patterns follow similar trajectories in different contexts or exhibit path-dependent variation.

A final limitation – although it was a necessary one – was that this study focused specifically on South Africa. Comparative research on corporate political finance systems in other developing democracies could explore whether similar dynamics occur in other contexts. A cross-national comparison might reveal diverse attractor states or evolutionary trajectories. There might be varying feedback-loop structures in countries with different political economies, regulatory traditions, or business–state relationships. In addition, a comparative analysis that includes countries that have successfully strengthened their political will and oversight capacity, despite similar initial conditions, could help identify enabling factors and intervention points. Such a comparative complexity analysis can contribute to building a general theory about corporate political finance as a complex adaptive system.

CONCLUSION

This study demonstrates that South African corporate political finance behaves like a complex adaptive system. Diversified donation patterns indicate that corporations strategically adapt to legislation, whereas the 2024 EMAB reversal illustrates how small regulatory pressures can produce outsized political effects and how, over time, those pressures can gradually erode political will.

The main methodological limitation in this research was an observability gap for amounts below the ZAR100,000 disclosure threshold. This point constrained an otherwise comprehensive system analysis. Nonetheless, the existing documentary evidence indicates that critical dynamics exist, with insufficient political will – which is measurable through resource allocation and legislative action. This lack undermines the transparency objectives, regardless of regulatory comprehensiveness. The passage of the EMAB confirms this finding and demonstrates how systems revert to historic equilibria when oversight commitment weakens.

The methodology developed here offers a rigorous qualitative approach to studying complex systems. Researchers can treat documents as system artefacts that reveal dynamics through identifying patterns that appear across document types and temporal periods. This approach makes it possible to identify feedback loops, evolutionary processes, and system states without using mathematical modelling or direct observation. This methodological contribution expands the research options for studying complex phenomena in domains where other approaches face practical or ethical constraints.

For policy and practice, the findings challenge conventional regulatory approaches that assume linear relationships between rules and behaviour. To achieve effective governance of corporate political finance, regulators must recognise the system's complexity, anticipate the emergence of unintended patterns, manage attractor states (rather than modifying behaviour within an attractor), disrupt evolutionary dynamics through strategic unpredictability, monitor approaching phase transitions, and build adaptive regulatory capacity. The IEC and other regulatory authorities certainly need more resources. However, they also require fundamentally different organisational capabilities that are suited to governing adaptive systems.

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APPENDIX: DATA SOURCES

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Quarter 3 2021/2022 https://results.elections.org.za/home/PartyFundingReports/4/3/4_3_Published_Declarations_Report.pdf

Quarter 4 2021/2022 https://results.elections.org.za/home/PartyFundingReports/4/4/4_4_Published_Declarations_Report.pdf

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Quarter 3 2022/2023 https://results.elections.org.za/home/PartyFundingReports/5/3/5_3_Published_Declarations_Report.pdf *Quarter 4 2022/2023* https://results.elections.org.za/home/PartyFundingReports/5/4/5_4_Published_Declarations_Report.pdf

Quarter 1 2023/2024 https://results.elections.org.za/home/PartyFundingReports/6/1/6_1_Published_Declarations_Report.pdf
Quarter 2 2023/2024 https://results.elections.org.za/home/PartyFundingReports/6/2/6_2_Published_Declarations_Report.pdf
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VOTE BUYING IN AFRICA:
Comparisons Regarding Law and Practice

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ABSTRACT

Vote buying remains a key challenge to democratic elections across Africa, as it does elsewhere. This article provides an overview of the concept of vote buying and its relationship to other phenomena, such as clientelism and campaign promises. The article also reviews the legislative provisions against vote buying across sub-Saharan Africa, noting that vote buying is effectively prohibited everywhere on the continent and is often connected with serious criminal sanctions. Furthermore, the article shows that vote buying remains a common problem in elections across many African countries. As illustrations, it explores the experiences of recent elections in Kenya, Tanzania, and Uganda. Sanctions are seldom imposed, which means the deterrent effect of any sanctions provided for in law is minimised. Popular attitudes toward vote buying, as reported by various surveys, are studied. The results reveal a complex set of views, which may vary significantly across countries and within one country over time. The article concludes that the long-term solution to this challenge appears to be economic development, which would effectively remove the demand side of vote buying; however, there is no single way to eliminate vote buying in the short term.

Keywords: elections, vote buying, Africa, clientelism, campaign promises

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INTRODUCTION

Many challenges hinder the election processes in African countries from accurately representing the voting intentions of the electorate, and ensuring that people can freely decide who should govern their country or region. Some of these challenges are emerging or rapidly increasing; they include disinformation on social media, illicit campaign donations using cryptocurrencies, and the use of artificial intelligence to spread false information about particular contestants or electoral processes.

Other challenges date back further in time. The giving of gifts to voters in return for their votes is a practice dating back at least to ancient Rome, and in African countries, this issue has plagued elections for as long as they have been held.[2]

Vote buying has been defined as the 'transfer of cash or other material benefits from political parties, candidates, or their agents to voters during election campaigns to influence voters' choices, to mobilise voters to polling stations, or to buy vote cards from voters'.[3] The long history of this phenomenon does not make vote buying any less problematic for democratic elections in African countries today. The topic is an important one to study.

In this article, I review the legislation regarding vote buying in sub-Saharan African countries, noting that the practice is banned almost everywhere, often with strict sanctions specified in the legislation. In addition, I review practical experiences regarding vote buying in elections held in the region over the past ten years, showing that the practice remains a major concern throughout the African continent. As a recent study on vote buying in Ghana reported, 'even when vote buying fails to change votes, it can affect turnout patterns, reinforce clientelist networks, and undermine citizens' perceptions of electoral fairness'.[4] Vote buying in African elections is a highly complex issue, and I cannot claim to cover all aspects of it here.[5]

In this paper, I also examine popular attitudes to vote buying as expressed in studies from various African countries during the last decade. It is clear that in-depth analyses of people's understanding of vote buying in specific contexts,

2 Gans-Morse, Mazzuca and Nichter (2009) page 4.
3 Yung Yoon (2020) page 126.
4 Takyi and Kyere (2025).
5 For example, this article does not focus on the complicated relationship between vote buying and voter turnout; studies in African countries on this relationship have yielded different results. See Kramon (2009) page 4f (in his own study on Kenya in the 2002 elections, Kramon found a strong positive impact of vote buying on turnout). The level of academic interest in the concept of vote buying compared to other issues plaguing democratic elections, such as disinformation and abuse of state resources, is striking. It is also unfortunate that there is no space in this article to focus on the issue of brokers in the buying and selling of votes.

as well as their expectations from politicians, are essential for developing effective countermeasures.

THE CONCEPT OF VOTE BUYING

In exploring scholarly understanding of vote buying in Africa, a good starting point is the legal provisions against vote buying that exist in African countries. These provisions normally seek to ban giving – or promising to give – something of value in order to influence how someone votes or abstains from voting. Such provisions often cover gifts by any person or entity, but some countries limit the regulations to cover only political parties or candidates.

One version of such provisions is to prohibit what is sometimes called 'treating', effectively the giving of gifts to voters by political actors, even when no intent to influence their voting behaviour can be legally proven. This approach is close to the conceptualisation of 'voter inducement' used by the Alliance for Campaign Finance Monitoring in relation to Ugandan elections, including not only cash gifts to individual voters but also items such as the provision of ambulances and buses to communities by candidates.[6]

The impact of vote buying on democratic elections, as well as the interplay between vote buying and other factors, are complex and often difficult to understand. Vote buying is closely connected to other phenomena that are essential in African politics. They include *clientelism* or *client–patron relationships*, terms often used to describe politics in African countries; the concept has been defined as 'asymmetric but mutually beneficial, open-ended transactions based on the differential control by individuals or groups over the access and flow of resources in stratified societies'.[7] Elected politicians play a central role in such relationships. This point is illustrated by the statement that, in Kenya, 'expenditure as a sitting MP takes on a social welfare dimension. MPs become a major source of funds for development projects, local social groups and supporting needy individuals.'[8]

A more technical consideration, highly relevant for the legal enforcement of regulations against vote buying, is the distinction between different forms of vote buying and election *campaign promises*. Campaign promises are something all politicians engage in, and they can be considered a positive aspect of democratic election campaigns.[9] A common distinction is expressed as follows:

6 Alliance for Campaign Finance Monitoring, ACFIM (2023) Chapter 2.

7 Roniger (2015) page 603. On the link between clientelism and vote buying, see for example Nshimirimana (2025) and Klaus, Paller and Wilfahrt (2023), as well as the overview in Kramon (2009) page 4.

8 Kanyinga and Mboya (2021) page 34.

9 Whether campaign promises are effective in gaining votes is an entirely different issue. For a discussion on this point, see Ganslmeier (2023).

> Candidate promises of benefits made on the campaign trail are not usually considered problematic and are seen as an acceptable campaign strategy… However, specific commitments to provide money or other rewards after election day, especially to voters who supply proof of their vote, qualify as vote-buying inducements.[10]

In practice, it is often difficult to make a clear distinction. One scholar goes so far as to conclude that 'campaign promises are a form of vote buying'. However, he argues that while vote buying should be banned, campaign promises should not be.[11]

It is common in African countries for spending of state resources to increase ahead of elections with the goal of boosting the popularity of incumbent political parties. This will often include spending that directly impacts voters, such as social welfare, education, or infrastructure projects; increases in salaries of public employees; and benefits such as pensions. Targeted tax credits to specific industries can serve as a reverse approach to achieving the same goal of increasing the popularity of the incumbent. Arguably, activities of this kind serve as vote buying using public funds, and as such, they blur the distinction between vote buying and the abuse of state resources. However, as long as such increases in spending are not explicitly made in return for increased voter support, such activities are seldom covered by vote buying regulations.[12]

It is also valuable to consider vote buying within the broader context of electoral malpractices. Ballot box stuffing and the bribery of electoral administration staff can have a more direct impact on election outcomes and could partly determine the results of an election. Nonetheless, vote buying can be particularly damaging for the overall democratic process if voters come to view elections as an opportunity for personal enrichment, through exchanging their votes for benefits, instead of seeing elections as an opportunity to hold politicians accountable. Where vote buying is part of clientelistic ties between politicians and citizens, the opportunities for democratic governance become notably limited.

Because of these difficulties, vote buying presents a significant challenge to Sustainable Development Goal (SDG) 16, which is concerned with Peace, Justice and Strong Institutions. In its SDG Report 2025, the United Nations concluded that 'trust in governance remains fragile, with many feeling politically unheard.' While there are naturally many complex reasons for this fragility, the negative impact of vote buying on accountability, trust, and feeling heard is striking.[13] The aim

10 Joseph and Vashchanka (2022) page 11f.
11 Brooks (2016) page 20.
12 On this topic, see Joseph and Vashchanka (2022) page 13.
13 United Nations (2025) page 41.

of this article is to provide information that could help counter the challenges to strong and accountable institutions that are created through the buying of votes.

LEGISLATION AGAINST VOTE BUYING IN AFRICA

With some exceptions, the problems in dealing with vote buying in sub-Saharan Africa do not stem from a lack of legislation. Indeed, bans on vote buying are almost universal in African countries, although the exact provisions vary. Out of the 39 countries south of the Sahara for which data are available in the International IDEA Political Finance Database, bans on vote buying are reported to exist in all of them except Angola, the Central African Republic, Mauritania, and South Africa.[14] The evident assumption that these four countries lack legal bans on vote buying may have arisen from limited access to relevant information. For example, vote buying is indeed prohibited in South Africa, in line with Article 871(a) of the South African *Electoral Act of 1998*.[15]

Regulations against vote buying are normally included in the electoral legislation of a country, frequently mentioned in the list of electoral offences. In some cases, it is instead (or in addition) regulated in the penal or criminal code.[16] In most African countries, only the buying of votes is explicitly prohibited, although in some, the other side (vote selling) is also criminalised. This may include a ban on receiving benefits in return for votes, as in Cape Verde and Kenya, or a ban on actively seeking gifts in return for votes, as in Cameroon, Lesotho, and Namibia.[17]

Prohibiting the action of seeking money in return for votes can arguably counteract vote buying, if the provisions are enforced. However, criminalising the passive receipt of vote buying may be more problematic. One expert argued that a ban on vote selling

> can reduce the willingness of voters to receive gifts, and so reduce the problem of vote buying. However … the willingness of voters to report instances of vote buying is likely to be reduced if they may themselves face penalties.[18]

Not only is vote buying prohibited in almost all African countries, but the sanctions prescribed by legislation are often severe, typically including both a

14 International IDEA (2025).
15 For Angola, it seems that vote buying is prohibited in line with the 2021 Election Code, Article 193.
16 Where different laws are used for different types of elections, it seems that the provisions against vote buying are not always consistent in these laws, and hence different rules against vote buying may apply for different elections in the same country.
17 Ohman and Mambetalieva (2020) page 12f.
18 Ibid page 12.

fine and imprisonment. The International IDEA database includes information about the sanctioning provisions in 17 countries south of the Sahara, as shown in Table 1 below.[19]

Table 1. Sanctions against vote buying in the legislation of sub-Saharan African countries

Country	Fine	And/ or	Prison	Comment
Angola	250,000–1.5 million Kz	And	2–8 years	
Burundi	40,000–400, 000 francs	And/or	1–3 years	
Cape Verde	–	–	Max 1 year	Same penalty for vote selling
Chad	0.5–1 million franc CFA	And	1 years	
Comoros	10,000–100,000 franc	And	8–15 months	
Guinea-Bissau	–	–	2–8 years	
Madagascar	Twice the amount involved in the transactions	And	(data missing)	Also loses civil rights and right to hold public office for 5 to 10 years
Mali	100,000–1 million francs	And	1–5 years	
Mozambique	6–12 minimum salaries	And	Max 1 year	
Namibia	Max R20,000	And/or	Max 5 years	
Nigeria	N100,000	And/or	1 year	
Sao Tome and Principe	5000–50000	And	Max 2 years	
Senegal	20,000 to 200,000 CFA	And	3 months–2 years	
South Africa	Up to R200, 000	–	–	The party may also have its votes in an area cancelled, and the party may be deregistered
Togo	100,000 –1 million CFA	And	1–5 years	
Uganda	72 currency points	And/or	Max 3 years	
Zimbabwe	Yes, not specified	And/or	Max 2 years	Specified as 'level 7'

International IDEA (2025)

19 International IDEA (2025).

Table 1 shows that in nine of the 17 countries for which data is available, prison sentences are mandatory for cases of vote buying; in seven of these countries, prison sentences are also given. In another five countries, prison sentences are an optional addition to fines. The prison sentences called for in legislation vary from as little as three months, in Senegal, to eight years in Angola and Guinea-Bissau.

Arguably, a prison sentence of any length should be sufficient to dissuade potential vote buyers from engaging in such behaviour, if they expect such sanctions to actually be imposed. It appears that the sanctioning provisions in African legislation are not effective for preventing vote buying not because of the provisions themselves but more because of weak expectations that the sanctions will be imposed in reality. As the examples from various African countries below indicate, the effective enforcement of sanctions against vote buying is rare in many if not most African countries. In such situations, it may not matter decisively what sanctions are available, if people do not expect they will actually be used.

In short, bans exist against vote buying in almost all African countries. Refinements are certainly possible in many cases, for example in relation to vote selling and regarding how to judge the intent of those providing resources to voters. However, more important is to clarify the process through which cases of potential vote buying can be investigated and sanctions imposed. Legislation should clearly identify the mandate of capable institutions to act on accusations of vote buying, how investigations should be carried out, and how sanctioning processes should function so that vote buying is penalised effectively. These institutions would most likely need to include the national police force. They will also need to develop concrete plans on how to respond to potential vote buying for successful prosecutions, as appropriate.

PRACTICAL EXPERIENCES AND POPULAR ATTITUDES

Despite vote buying being prohibited in almost all African countries, the phenomenon remains widespread across the continent.[20] To illustrate the challenges, I review the experiences of three African countries. It should be understood that the inclusion – or exclusion – of any country in my analysis does not mean that the level of vote buying is necessarily higher (or lower) than in other African countries. It also does not imply that the issue of vote buying is a larger (or smaller) challenge in the electoral process in the countries I examine.

20 See for example Burbidge, Cheeseman and Panin (2025).

Kenya

Vote buying has been a major issue in Kenyan elections for a long time. According to a study published in 2021, 'Over the last two decades … Kenya has witnessed some of the highest rates of vote buying in sub-Saharan Africa'.[21] That study discussed ways of preventing vote buying in the Kenyan 2022 elections. Nonetheless, the European Union Election Observation Mission for those elections found as follows:

> there was widespread payment of cash from a multiplicity of candidates to voters during the campaign … Candidates spent large sums of money in direct handouts to organisers, supporters, and event attendees, as observed by EU EOM observers in 23 cases (11 involving Azimio parties and 12 Kenya Kwanza parties).[22]

This finding seems to reflect a long-term experience in Kenyan elections.[23] An Afrobarometer survey on vote buying in Kenya related to the 2002 elections stated that the results indicated that 'political parties were more likely to engage in votebuying in the most politically competitive districts and to target the poor, men, and the supporters of a presumably competing party with little chance of electoral victory.'[24]

Popular advice regarding vote buying in Kenya, as in other countries, urges voters to accept vote-buying offers from politicians but then to vote according to their own consciences.[25] As one commentator put it, efforts to alter the social norms and behaviour of Kenyan voters may 'discourage vote buying in future elections when politicians see that they wasted their money'.[26] However, there are reasons to be cautious in relation to such ideas. Lockwood argued that 'politicians in Kenya can and indeed do [win elections through vote buying] … But the possibility remains for voters to take some of their money and run and, indeed, celebrate this as an act of political agency'.[27]

The clientelistic ties described above that exist between patrons (in this case, politicians) and clients (the voters) mean that vote buying is not merely a transaction between individuals. The 'Cost of Politics' series of studies by the Westminster Foundation for Democracy provide interesting insights into the

21 Erlich (2021).

22 European Union Election Observation Mission (2022) page 23f.

23 See Improving Institutions for Pro-Poor Growth (IIG) (2012) claiming that 'both the two leading political parties contesting the 2007 Kenyan presidential elections used vote-buying practices extensively', page 2

24 Kramon (2009) page 10.

25 See for example Lockwood (2024) page 1063f.

26 Erlich (2021).

27 Lockwood (2024) page 1064.

financing of election campaigns from the perspective of politicians, and their study on Kenya is no exception. The statement by one politician is worth quoting:

> Voters will not listen to anyone who does not give them money … they openly demand money from candidates. In some instances, they demand payment to attend meetings … they will fail to attend if they are not given what they call 'facilitation' (hand-out).[28]

The future regarding vote buying in Kenya is uncertain. A worrying factor may be the 2024 finding that the 'national electoral commission (36%) is among the least trusted institutions the survey asked about.'[29] The same report stated that the 2024 trust level was the lowest since 2016; furthermore, trust in political parties had declined over the most recent surveys.

Tanzania

Since independence, Tanzania's politics have been dominated by the Chama Cha Mapinduzi (CCM) party, which has won every national election.[30] Although vote buying is prohibited by the *Elections Expenses Act of 2010*, this practice has played a significant role in Tanzanian elections, especially following the political and economic changes of the 1990s.[31]

Small gifts from politicians to voters are generally known as *takrima* in Tanzania, and these were legalised before the 2000 elections because the practice 'represented a traditional form of African hospitality to attendees at campaign rallies'.[32] It has been claimed that the legislation of takrima 'raised public expectations that MPs would supply tangible goods and contributed to the expansion of clientelistic relationships between MPs and voters'.[33] Although this practice was banned again in 2006 after a legal challenge from Tanzanian civil society,[34] the practice continued in later elections. Indeed, 'some Tanzanian political analysts also note that it does not significantly matter whether takrima

28 Kanyinga and Mboya (2021) page 45.

29 Otele, Balongo and Iberi (2025) page 2 and 8.

30 It is has been claimed that 'Despite being one of the oldest and longest-governing independence parties, Tanzania's ruling CCM has remained largely dependent on contributions and other handouts from private donors to run the party.' Khisa, Msami and Therkildsen (2024) page 202.

31 Tsubura (2015) page 5.

32 Croke (2014) page 14. This followed a legal change in 1995 allowing politicians to make contribution to communities ahead of elections, as long as the contribution 'proved to have been designed to advance the interests of community fund raising, self-help, self-reliance or social welfare projects within the constituency and to have been done before the campaign period'. Section 97.4. of the *Elections (Amendment) Act of 1995*, quoted in Tsubura (2015) page 5.

33 Tsubura (2015) page 1.

34 Pambazuka News (2006), Action for Justice (undated).

is legal or illegal when it comes to the actual interactions between politicians and voters'.[35]

One study found that while some Tanzanian voters were willing to accept gifts in return for their votes, their continued expectation of benefits meant it 'became difficult for MPs to keep satisfying their clientelistic supporters after the elections.'[36] Another scholar studied vote buying in Tanzania from a gender perspective. The surveyed respondents viewed 'men as more active vote buyers, mainly due to the gender gap in vote-buying opportunities'.[37]

However, the enforcement of vote buying regulations is not unheard of in Tanzania. During the holding of primaries for the October 2025 elections, the police arrested six individuals for alleged vote buying activities.[38] The fate of these individuals was not decided at the time of writing this paper shortly before the October 2025 elections. Focusing on primary elections within the governing CCM was particularly relevant for the 2025 elections, as the main opposition party in the elections between 2010 and 2020 was banned from participating in the 2025 elections.[39]

Uganda

Politically, Uganda is certainly more similar to Tanzania than to Kenya, in that one political party has dominated politics for decades.[40] Indeed, until 2005, Uganda was governed on a non-party basis. Also, since multiple parties were allowed to compete in Ugandan elections, President Museveni and the National Resistance Movement have continued to dominate the political process. As one 2013 study reported, 'money and resources play an important role in Ugandan politics'.[41] Vote buying 'was evident in the 2001 and 2006 elections, and occurred again in the 2011 elections.'[42]

The Alliance for Campaign Finance Monitoring (ACFIM) has published several reports on Ugandan campaign financing, including the issue of vote buying. In relation to the 2021 elections, ACFIM claimed that vote buying was

35 Tsubura (2015) page 6
36 Ibid page 23. This is likely to relate to earlier findings of high turnovers among African elected politicians (members of parliament). Ohman (2004).
37 Yung Yoon (2020) page 125.
38 Kimwaga (2025).
39 Observer groups including Human Rights Watch have severely criticised the activities by Tanzanian authorities ahead of the elections. Human Rights Watch (2025).
40 For a comparison of Tanzania and Uganda from a perspective of campaign finance, see Khisa, Msami and Therkildsen (2024).
41 Helle and Rakner (2013) page 162.
42 Mpyisi and Mwirichia (2011) page 6. See also Kwarisima (2025).

overall more costly than all other forms of campaign spending together. However, that finding should be interpreted with some caution, as the ACFIM concept of 'voter inducement' was broader than the narrow definition of vote buying used by many other scholars; in addition, the methodology used to derive this conclusion was somewhat unclear.[43]

There is little doubt that many services to Ugandan citizens that would otherwise be expected to be handled by the government are instead provided by political actors. As an illustration, around 2020, Ugandan members of parliament reportedly owned 180 ambulances, compared with the 178 ambulances owned by the state according to a 2019 survey by the Ugandan Ministry of Health.[44] The European Union Election Observation Mission to the 2016 Ugandan elections also found that vote buying was

> widespread in districts with greater poverty. Voters expect to receive money, food, refreshments, or other goods at campaign events. While both giving and receiving bribes is illegal, distribution of food, refreshments and T-shirts does not constitute bribery... During the campaign's final stage … the ruling party's representatives started distributing cash throughout the country without camouflaging it as a reimbursement … [in] the following days, the EU EOM observed cash being distributed to voters in locations across the country. In some rural areas, voters received as little as 500 or 1,000 UGX each.[45]

One of the recommendations from the report was that the Election Commission should 'be empowered to address noncompliance with campaign regulations more effectively'.[46] However, in 2018, the European Union found that 'none of the 30 recommendations, including the 11 priority recommendations, has been implemented by the Ugandan authorities'; as a consequence, the European Union decided to not monitor the 2021 elections.[47]

A study focusing on voter interviews evaluated the ACFIM campaign to reduce vote buying in the 2016 elections in Uganda.[48] The campaign included distributing leaflets, holding village meetings, and making phone calls, through which activists sought to persuade voters during the last three weeks before the elections not to sell their votes. The researchers found that the campaign

43 Alliance for Campaign Finance Monitoring, ACFIM (2023) page 61.

44 Kitamirike and Kisaakye (2020) page 30 and Parliament Watch (2023).

45 European Union Election Observation Mission (2016) page 19.

46 Ibid page 49.

47 European Union Election Follow-up Mission (2018) page 8. The next general elections in Uganda are scheduled for early 2026.

48 Blattman, Larreguy, Marx and Reid (2024).

'somewhat changed voters' perceptions of the consequences of vote buying and fostered coordination against the practice', yet it ultimately 'failed to reduce vote buying'. The authors argued that this finding was at least partly due to the timing of the anti-vote buying campaign. They stated that 'vote buying interventions should be conducted well ahead of elections, in order to also induce a reduction in vote buying by incumbents'.[49]

POPULAR ATTITUDES TO VOTE BUYING IN AFRICAN COUNTRIES

Understanding the concept of vote buying requires in-depth knowledge of how voters perceive such practices. Hence, it is important to study the research that has been conducted on popular attitudes to vote buying. In reviewing the various surveys reported below, I did not focus on how often people reported they had been approached with offers to buy their votes.[50] My approach was based on the fact that the ways in which people respond to questions about this highly sensitive topic seem to depend on a range of factors. It is crucially important to interpret findings on this issue with great care.[51]

A 2019 Afrobarometer study in Uganda focused specifically on vote buying.[52] More than half the respondents (56%) saw vote buying as 'wrong and punishable', with only 27% stating that the practice was 'wrong but understandable'. When it came to selling votes, however, attitudes were somewhat different, with 39% seeing vote selling as 'wrong and punishable'.

Interestingly, the study also compared attitudes in Uganda during 2019 with public views recorded in 2010 and 2011. Attitudes toward vote buying remained fairly constant over the years; the proportion who viewed it as 'wrong and punishable' was 49% in 2010 and 51% in 2011.[53] Importantly, however, there was a substantial change for the categories 'wrong but understandable' and 'not wrong at all', from 38% and 8% respectively in 2010, to 27% and 15% respectively in 2019. Furthermore, attitudes toward the selling of votes changed. The share who viewed vote selling as 'wrong and punishable' increased from 33% in 2010

49 Ibid page 22, 31.

50 For an overview of the percentages of respondents who reported they had been offered money for their votes in various countries and elections, see Ohman (2022) page 67.

51 One way to reduce the risk of bias in surveys on vote buying experience may be to use list experiments. When Kramon used such an approach in Kenya after the 2007 elections, he found that the share of respondents reporting to have been influenced by vote buying increased from 7% to 23%. Kramon (2016) page 397. There was a similar result when a list experiment was used to explore the experience of receiving gifts from politicians in Tanzania. Croke (2014). For examples from outside Africa and methodological presentations of this approach in evaluating vote buying, see Corstange (2010) and Gonzalez-Ocantos and Kiewiet de Jonge (et al) (2012).

52 Kakumba (2020).

53 Ibid page 3.

to 39% in 2019. The proportion who viewed vote selling as 'not wrong at all' increased from 9% in 2010 to 24% in 2019, an increase of more than 2.5 times.[54]

Earlier Afrobarometer studies similarly explored attitudes to vote buying in Nigeria. The Nigerian survey focused on the 2007 elections showed that 41% of respondents would refuse to receive an offer to buy their votes. By contrast, 42% reported that they would take the money but vote their preference. Only 8% reported that they would take the money and vote accordingly.[55] Similarly, in a 2018 study on vote buying in Nigeria, respondents were asked if they thought that 'people should collect money or a gift for their vote'.[56] On average, 78% responded 'no'. The researchers reported that the overall responses indicated that

> [al]though a large majority of those surveyed disapproved of vote-selling, this seems to have been a conditional view for most … the view of these respondents, and therefore their behaviour, could change if the material conditions around vote-selling – an individual's personal socio-economic circumstances or perceptions of safety, for instance – or the level of reward offered were to change.[57]

A 2024 study of attitudes to vote buying in Imo State in Nigeria showed a high level of awareness and popular rejection of vote buying. This included the finding that all but five of the 382 respondents agreed or strongly agreed with the following statement: 'When I engage in vote buying I discourage conscientious people from participation in electoral politics'.[58] The authors concluded that 'vote buying in Imo State will soon become ancient as many residents of Imo State are refusing to act in that lane.' The statement might strike some as perhaps being overly optimistic.[59]

A 2022 study on popular attitudes towards vote buying in Malawi found that 'candidates who criticize vote buying or promise community services are likely to do better at the ballot box than those who offer targeted handouts'.[60] It is admittedly a little bit difficult to square this optimistic research conclusion with other findings, such as that vote buying is a 'deeply embedded social

54 Most variables studied, such as gender, age and rural/urban, had only a minor impact on the survey results. However, higher levels of education clearly indicated a higher likelihood of the respondent rejecting both vote buying and vote selling. Kakumba (2020) page 5.
55 Bratton (2008) page 10. Interestingly, in the same survey, respondents also thought that few other Nigerian voters would accept a vote buying offer and vote accordingly.
56 Hoffman and Patel (2022) page 16.
57 Ibid page 16.
58 Effiong, Oduenyi and Onyekachi et al (2024), page 30.
59 Ibid page 31.
60 Kao, Lust and Rakner (2022).

practice. Voters often expect gifts, politicians see them as campaign essentials, and communities tacitly accept the exchange.'[61]

A 2025 study specifically focusing on first-time voters in the Central region of Ghana found a significant impact of vote buying, with nearly 65% respondents stating that the practice had impacted their voting behaviour.[62] The authors concluded that 'vote buying among first-time voters not only distorts electoral outcomes but also weakens institutional trust, undermines fairness, and entrenches governance systems where accountability is owed to brokers and benefactors rather than the electorate at large.'[63]

CONCLUSION

In the long term, it seems commonly agreed that the most effective countermeasure against vote buying is economic development. This would allow voters to no longer feel the need to accept money for their votes; in addition, politicians may become unable to afford to buy sufficient numbers of votes for the practice to be worth their while.[64] Achieving such progress, however, seems a frustratingly distant goal to many people – and indeed, vote buying may serve only to undermine efforts to achieve such progress. No simple solution is offered here. Perhaps it serves the discussion best to highlight an earlier finding in this field:

> There are no substitutes for an independent electoral commission, an honest bureaucracy, and a neutral police force that can guarantee a secret ballot … there is less need for voter education than for a system of incentives and capabilities that will allow ordinary people to resist these misguided efforts to appropriate their votes.[65]

In addition, electoral codes of conduct can be valuable tools for counteracting vote buying. Countries that currently lack such codes should consider their introduction. Where they exist, their effectiveness in stopping vote buying should be evaluated and potential improvements considered. Experts should

61 Nyondo (2026). This view reflects the finding concerning the 2025 Malawian elections that vote buying 'is culturally accepted'. European Union Election Observation Mission (2025) page 27.

62 Takyi and Kyere (2025) page 4858.

63 Ibid page 4761.

64 For a discussion on this point in relation to Kenya, see Erlich (2021). One study found poverty to not be a strong predictor for vote buying in Nigeria, see Awoyemi (2025). The opposite seems to be the conclusion in a study in Imo State in Nigeria, see Effiong et al. (2024), page 31. In their study of vote buying across Africa, Jensen and Justesen (2014) found that the effect of poverty on vote buying increased if the election in questions was highly competitive.

65 Bratton (2008) page 16. On the impact of the capacity of the Election Management Body on vote buying, see Lundstedt and Edgell (2022).

also consider whether dedicated electoral courts might be useful for enforcing the provisions against vote buying that are already contained in laws and codes of conduct.

It is especially important to understand how voters in different African countries understand the concept of vote buying as well as their expectations for politicians and the democratic process. In this context, I note the 2025 finding that 47% of Ugandan respondents said that 'most' or 'all' members of the Ugandan Parliament were involved in corruption. The equivalent proportion was 49% in Sierra Leone.[66]

We must not assume that lessons learned from one African country necessarily apply to others. Indeed, the way that people perceive vote buying within a country can vary even among different sections of the electorate and can change over time.[67] Efforts to reduce vote buying should be based on the dynamics of popular perceptions of this phenomenon if they are to have any chance of being effective.

A final consideration is whether increased gender equality in the political process in African countries could potentially reduce the problem of vote buying. It is positive for democratic representation that the proportion of women members of parliament in African countries is steadily increasing, albeit very slowly. However, there is no consensus about the potential link between gender representation and vote buying. Mi Yung Yoon stated that some scholars

> assume that women are less likely to tolerate and engage in corrupt behaviours and that their disinclined attitudes towards corruption translate into their political role once they enter into politics … However, others argue that the negative relationship is rather spurious, and disappears if the effects of the contextual factors conducive to the gender differences in attitudes towards corruption are controlled for … These studies do not view women as innately honest and averse to corruption.[68]

In other words, although practical experience indicates that women are less likely than men to engage in vote buying, this could be because women have access to fewer resources.[69] The issue of gender and vote buying is woefully understudied. Additional research is clearly needed. It is also evident that efforts to counteract

66 Male and Nakayima (2025) Page 9, Institute for Governance Reform (2025) Page 33.
67 Interesting findings are reported in Jöst and Lust (2022) regarding the impact of social density on attitudes to vote buying.
68 Yung Yoon (2020) page 126.
69 See for example Alliance for Campaign Finance Monitoring, ACFIM (2023) page 115f.

vote buying in African countries must continue, with concerted efforts required from both women and men. Such efforts must consider the views of vote buying among the electorate, and they should include a combination of measures aimed at short-, medium-, and long-term progress.

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EGALITARIAN AND LIBERTARIAN POLITICAL FINANCING MODELS:
Lessons from Ghana and Switzerland for South Africa

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ABSTRACT

Money is essential to politics. Unregulated money, however, can enable political corruption, which justifies the need for regulation. Public funding of political parties can promote equal political opportunities in heterogeneous societies. Hence, it is necessary to fund politics partly from public resources. A country adopts a political financing philosophy depending on its political environment. This article compares two main global approaches to funding political parties to identify best practices for South Africa's nascent public funding regime. The first is Ghana's egalitarian model, which emphasises strict regulation of both public and private funding of political parties. The second is Switzerland's strategy, which relies on private funding with minimal state regulation. This article examines how these two models impact democratic values. Comparative doctrinal research methods underpin this analysis. It reviews Ghana's and Switzerland's legal and institutional financing systems to evaluate how effectively they uphold democracy. The paper shows that Ghana's strict regulation promotes democratic equality by providing political opportunities in a diverse society, although challenges remain regarding effective regulation. Switzerland's approach preserves the independence of political parties but risks fostering a plutocracy. Considering South Africa's post-apartheid context, its emerging political financing system could include aspects of both libertarian and egalitarian models; it could adopt a hybrid approach using technologies such as blockchain and artificial intelligence to overcome transitional democracy challenges. The paper therefore recommends that South Africa should adopt a hybrid public financing model. The reason is that neither Ghana's egalitarian system nor Switzerland's libertarian regime sufficiently address the democratic challenges related to political financing.

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INTRODUCTION

Political parties are a public good. They constitute the ecosystem that enables the training of political leaders, who serve nations (Atkinson, 2024). Consequently, the financing of political parties and candidates cannot be left solely to private interests. To enable sustainable democracies, public financing must be given to political parties in the public interest (Zamora, 2024; Walyemera, 2024). Public financing allows a plurality of voices to be heard in society. It significantly influences political participation and thus shapes democratic representation of societal interests (Issacharoff & Karlan, 2016). Transitional democracies are characterised by fragile state structures and meagre resources that exacerbate the challenges of nurturing a robust political financing regime. In this paper, the term 'political financing' refers to either private or public funding of political parties.

Globally, there are two philosophical models of political financing, namely, the libertarian and the egalitarian models. In their application, both models have advantages and challenges (Koole, 2014). Given the different perspectives on what democracy is, a nation may choose the libertarian or the egalitarian model, or aspects of each model that fit that particular country's unique political environment.

The strength of the libertarian model lies in the allowance of the human rights to association and expression to be exercised fully, with minimum regulation from the state. This enables a free flow of political ideas; yet it also presents challenges, such as a wealthy minority capturing and monopolising power in society. Conversely, the egalitarian model espouses strict state regulation of political financing to enable the equality of political opportunity for all (Casas-Zamora, 2005).

This paper compares Switzerland, a nation in the Global North, with Ghana in the Global South. They have civil and common law systems. They have contrasting approaches to political financing and are located in different cultural contexts. Ghana's *Political Parties Act of 2000* and its subsequent amendments exemplify an egalitarian model that emphasises public funding and strict state regulation. By contrast, Switzerland's libertarian approach amplifies reliance on private financing and minimal state intervention (Nassmacher, 2009; Switzerland, *Ordinance on Transparency in Political Funding, 2022*; Freiburghaus, 2024).

Considering that each political financing model has positives and negatives, a hybrid model would be appropriate for South Africa. This comparative analysis offers a convenient way to tease out the best practices for South Africa's nascent political financing system that is grounded in the *Political Party Funding Act of 2018*.

The paper has nine parts. The initial part introduces the study. Part 2 covers the methodology, and Part 3 discusses the theoretical framework and literature review. Parts 4 and 5 examine how the libertarian and egalitarian models are implemented in Switzerland and Ghana, respectively, with a review of their effectiveness in promoting democracy. Part 6 highlights the best practices from Switzerland and Ghana for South Africa's emerging political financing system. Part 7 suggests ways to address the challenges of a hybrid model that South Africa should adopt. Part 8 concludes the paper.

RESEARCH METHODOLOGY

The study is conducted using comparative doctrinal analysis (Aryal, 2023; Ngwoke, 2023; Taekema, 2020). This method is a prerequisite for deriving concrete, practical interventions in South Africa's nascent political financing regime. The 'Black Letter Law' research methodology (also known as doctrinal research methodology) is employed here and involves a dual approach. The method involves identifying the foundational principles of the law, which facilitates an analysis of the primary text (Aryal, 2023). This approach primarily aims to describe the law, organise it, and offer commentary on its sources. It is helpful for identifying recurring themes that can be compared to support research findings. The main text is analysed using analogical, inductive, and deductive reasoning. The doctrine of precedent is also applied to case law jurisprudence in the discussion section.

The research relies on both primary and secondary sources, including statutes, regulations, academic literature, case law, media reports, government reports, and policy papers (Taekema, 2020). Incorporating this method in interdisciplinary studies enables collaboration between research disciplines by bridging the research methods gap between law and qualitative studies. It also widens the application potential for this research method to qualitative studies (Aryal, 2023). The Black Letter Law approach enabled the author to evaluate the statutory provisions in Ghana and Switzerland to tease out possible lessons for South Africa. Global leading case law, in which provisions of the law that support either a libertarian or an egalitarian model are interpreted, is explored.

This research method also highlights the civil law structure of Switzerland in comparison with the common law traditions of Ghana and South Africa. This includes Ghana's centralised regulatory approach compared to Switzerland's decentralised model. The advantage of this methodology is that it facilitates findings for a hybrid model that South Africa could adopt. The analysis reveals specific regulatory mechanisms that could be transplanted into South Africa's burgeoning regime.

THEORETICAL BASIS AND LITERATURE REVIEW

Globally, scholars and courts have grappled with the question of free expression in relation to democratic equality. These two competing concepts are foundational to political financing. The tension between the two poles is evident in the evolving views across multiple national jurisdictions. The debates have shaped discussions on the subject. This paper examines the egalitarian, libertarian, and hybrid theories, as well as relevant literature and leading case law on the models.

The Egalitarian Paradigm

The concepts of democratic equality and fair representation are key in the egalitarian model. Scholars contend that formal equality of rights is not enough without substantive equality of opportunity for meaningful public participation (Rawls, 1971; Helwig, 2013). According to Rawls (1971), regardless of a citizen's social and economic status, the concept of social justice dictates that political structures should be established to enable meaningful and fair equality of opportunity for all citizens. In *Harper v. Canada (Attorney General), 2004*, the Supreme Court of Canada endorsed this approach, which justifies state interventions to facilitate equal political opportunities for all. The same approach has been applied in case law jurisprudence in various national jurisdictions worldwide.

The egalitarian model aims to reduce corruption in political processes through regulatory measures. These measures could involve restricting private funding for politics, setting expenditure limits, and relying heavily on public funding for political parties and independent candidates. Other interventions may include transparency regarding money received and spent by political actors. This facilitates disclosure, which in turn enables sanctions for those who violate the political financing regime (Austin, 2004). The egalitarian model seeks to prevent political corruption. The purpose is to enable effective political participation by all citizens, regardless of their social and economic status. Political corruption is sometimes characterised by the policy and state capture of government functions by private and criminal interests (Walyemera, 2024).

The egalitarian approach pushes back against the libertarian model to avoid a situation in which the wealthy minority could use their abundant economic resources to capture political power. Captured political power could subsequently be employed by the wealthy minority to dictate to the majority, with little or no democratic support from the majority (Lessig, 2011). Basically, the libertarian theory that enables uncapped private financing of politics can lead to the commercialisation of politics (Walyemera, 2018). Such commercialisation can have severe consequences for a representative democracy, as the discussion in this paper shows. For example, in *My Vote Counts NPC v. Minister of Justice and Correctional Services, 2018* the Constitutional Court of South Africa stated that politicians favour funders more than voters. Therefore, unregulated money can lead to political corruption and a failure of democratic accountability.

The Libertarian Framework

As foundational values for a democracy, this model emphasises expressive freedoms, including the rights to free speech and association. Consequently, the libertarian model of funding views private political financing as a form of political speech (Primo & Milyo, 2006; Dawood, 2013; Balkin, 2017). In *James L. Buckley v. Francis R. Valeo, 1976*, the US Supreme Court upheld this view when it stated that 'expenditure limitations constitute impermissible restrictions on political speech.' Furthermore, the Court stated that the government cannot 'restrict the speech of some elements of our society to enhance the relative voice of others.'

The libertarian school of thought claims that restrictions on political financing are not justifiable, because they violate citizens' rights to free speech and association. Proponents of the libertarian model argue that citizens should be able to support their political parties, their candidates, and political causes of their choice, without any restrictions. The US Supreme Court fortified this argument by extending these expressive freedoms to corporations in *Citizens United v. Federal Election Commission*. After that Supreme Court decision, US corporations were permitted to make donations to political parties that advocated for policies they supported. This step strengthened the arguments in favour of a libertarian model of political party funding.

The libertarian model ensures significant private financing of political actors and limited state intervention in political financing (Cagé, 2020). The model focuses on political finance transparency rather than state restrictions. Like economic markets, this school of thought assumes that the marketplace of political ideas should be left to regulate itself freely, without intervention from the state, to derive optimal benefits.

Scholars of the libertarian model point out the difficulties of effectively regulating political financing (Van Biezen, 2008; Agrawal, 2025). They claim that attempts to regulate money in politics reduce the transparency of political actors, because such actors will generally find creative ways to spend even more money on politics. Restrictions may therefore also inadvertently cripple the establishment of new political voices and parties (*Citizens United v. Federal Election Commission*). Furthermore, voters can anyway hold to account politicians who commercialise the electoral process by voting against them (*Citizens United v. Federal Election Commission*).

In the *Buckley* case, the US Supreme Court held that to curb corruption, limits on contributions were permissible. This decision, which distinguishes expenditure from contributions, has informed debates on libertarian models of political financing globally. The judgment laid the foundation for arguments against limiting expenditure but allowing limitations on donations. Overall, the aforementioned cases reinforce the argument that there should be minimal state intervention in the financing of political parties, in order to facilitate free speech and the right to association. In view of the challenges of both the egalitarian and the libertarian approaches, a hybrid model could suffice for South Africa. A possible solution is discussed in the next section.

Hybrid Model

Considering the challenges of balancing the various interests of democracy, theorists agree that regulating money in politics is a complex task. Consequently, the pure application of the libertarian or egalitarian funding models may not be effective (Scarrow, 2007; Agrawal, 2025). In a free and democratic society, the interests of heterogeneous groups must be considered; this hybrid modelling was exemplified in the decision in *Harper v. Canada*. This Canadian case provides justifiable limitations on expressive freedoms in order to preserve democratic equality and facilitate meaningful participation (*Harper v. Canada [Attorney General], 2004*).

The application of certain aspects of the two financing models allows for a balance between competing societal values. This is achieved by combining aspects of each model depending on the requirements of the political situation, which may involve applying different rules to different political actors. Another hybrid example is the disclosure regime applied in South Africa following the Constitutional Court decision in the *My Vote Counts* case. The constitutional imperative of citizens' access to information presents a less restrictive alternative to expenditure caps. Such access to information facilitates transparency in political financing (*My Vote Counts NPC v Minister of Justice and Correctional Services, 2018*).

Governance transparency is one of the aims of Goal 16 of the SDGs (United Nations, 2015). The reduction of corruption can be enabled by transparency in political financing. Therefore, to enable a thriving political financing model, transparency in the affairs of all political actors is a prerequisite. The Constitutional

Court of South Africa in *My Vote Counts NPC v Minister of Justice and Correctional Services, 2018* emphasised the need for political financing transparency. To enable informed citizen consent and democratic accountability, this pioneering decision noted that there was a need for transparency. The Court further noted that for voters to make informed choices about the electoral candidates, they need to know who is funding the political actors and how that relationship might affect public policy in the future.

The political environment determines the effectiveness of a specific financing model (Norris, 2013). Contemporary scholars agree that in applying political financing models, there is always the need for flexibility and adaptability, depending on emerging threats to the designated model (Agrawal, 2025; Hummel, 2021; Norris, 2013). The regulation of political financing thus also depends on the constitutional framework of a country. The Constitutional Court of South Africa emphasised the importance of constitutional guarantees that enable transparency (*My Vote Counts NPC v Minister of Justice and Correctional Services, 2018*). This transparency imperative transcends the democratic values of the libertarian and egalitarian models to establish basic minimums for democratic accountability.

Case law jurisprudence has balanced the interests of the two schools of thought on political financing. This has enabled a balance between the principles espoused by the egalitarian and libertarian models. This involves balancing the rights to free expression and association with democratic equality. This hybrid approach facilitates democratic participation. As opposed to formal equality, it also enables real and substantial equality of opportunity. In the *Harper case,* the Supreme Court of Canada recognised the right to third-party spending (*Harper v. Canada [Attorney General], 2004*). This decision incorporates both libertarian and egalitarian values. The Canadian court decision enabled spending caps, because unlimited spending by the wealthy can undermine the democratic equality of opportunity for other citizens – whose voices need to be heard. Consequently, the decision favoured justifiable limitations on free speech and association.

The aforementioned discussion shows that the *Harper case* partly supports the egalitarian model. This model allows for justifiable limitations to be placed on the enjoyment of civil liberties to serve the public interest. Consequently, it facilitates equal democratic opportunities for all citizens. These restrictions do limit civil liberties, such as the freedoms of expression and association, but they allow for the enjoyment of these rights in a regulated manner. It is important to note that the *Harper case* emphasises that any limitations to expressive freedoms must be exercised only to facilitate a free and democratic society.

The aforementioned discussion highlights three contrasting models and judicial approaches to political financing. The libertarian model favoured by the Swiss and the Americans sacrifices equality of political expression for expressive freedoms. The egalitarian approach favoured by Ghanaians facilitates democratic equality by restricting expressive freedoms. The Canadians, on the other hand, prefer a hybrid model, which recognises the values of both schools of thought. These include justifiable limitations on expressive freedoms to enable democratic equality.

The constitutional guarantee for transparency in the management of public affairs is enshrined in South Africa's 1996 Constitution. This model of transparency in political financing focuses on access to information. This is to enable informed democratic participation by citizens. The South African approach recognises the need for a model that enables transformative constitutionalism, given the country's apartheid history (Mukaddam, 2024).

Each funding model reflects each country's unique political and constitutional history. The democratic values of each nation should inform the crafting of a tailored funding model that fits the specific country. Periodic evaluations can enable the necessary amendments to a model to facilitate its efficient functioning. In finding a suitable political financing model, a comparative doctrinal analysis is a prerequisite to enable concrete and practical interventions. The next section discusses Ghana's egalitarian model.

GHANA CASE STUDY

Legislative Structure

Ghana returned to democratic governance in 1992, an event that prompted renewed aspirations to concretise the country's democratic gains. These aspirations included establishing a political financing regime to guard against a return to the country's dreadful past. The *Political Parties Act 2000* (Ghana) was enacted to establish a framework to administer the political affairs of Ghana. This law was subsequently amended as *Act 574 of 2016*.

The egalitarian model is established in Ghana, premised on this law and the Constitution of the Republic of Ghana, 1992 (Atta-Kesson, 2021). The *Political Parties Act* fortifies provisions of the country's constitution regarding the financing of political parties. These constitutional provisions include transparency, restrictions on private financing, and limited public funding of political parties and presidential candidates (Constitution of the Republic of Ghana, 1992). Given the strict state regulations that characterise Ghana's egalitarian framework, the provisions face enforcement challenges.

Private financing of political parties is restricted to Ghanaian citizens. In view of Ghana's capacity challenges in enforcing its strict regime and to protect its democratic gains from corrupt influences, donations from national corporate interests are restricted. Contributions from foreign sources are outlawed

(*Political Parties Act 2000*; *Act 574*; Constitution of the Republic of Ghana, 1992). Nevertheless, in accordance with section 25(3) of the *Political Parties Act*, Ghana's electoral management body (EMB) can receive assistance in kind or in cash from non-governmental organisations and foreign governments. This assistance is for the EMB's use for the 'collective benefit of all registered political parties' (*Political Parties Act 2000; Act 574*). Some of this assistance has facilitated the purchase of vehicles, which the EMB provides to political parties for their electoral campaigns.

Institutional Framework

Ghana's EMB regulates political activities in the country. This regulatory mandate includes political party registration and the parties' compliance with financing laws. In accordance with Article 55(14) of the 1992 Constitution as well as section 21 of the *Political Parties Act*, parties are required to make annual disclosures of their income, assets, and liabilities to the EMB and the general public (*Political Parties Act 2000; Act 574*). The disclosure requirements include donations and expenditures.

There have been compliance challenges regarding the quality of financial reports filed with the EMB. There are also difficulties in the timely filing of periodic financial reports (Bagbin, 2017; Nyarko, 2021). According to the EMB's Director of Electoral Services, Serebour Quaicoe, in 2021, most (90%) of Ghana's political parties were at risk of deregistration due to non-compliance with the campaign financing laws (Nyarko, 2021).

Challenges

Ghana faces several challenges in implementing its egalitarian model. The comprehensive restrictions require significant resources, which Ghana lacks. These difficulties include an under-resourced EMB, which in turn has affected the implementation of the public financing regime. As a result, political actors mainly rely on private financing – in the presence of substantial state control. The egalitarian model is effective in dealing with political corruption only when there is sufficient public financing for political parties (Nyarko, 2021; Owusu, 2018). The comprehensive regulations that characterise an egalitarian model require significant resources to enable effective implementation of the model.

Ghana's EMB is unable to effectively enforce the financing regulations due to a lack of resources and expertise in imposing compliance, which means non-compliance cannot be effectively sanctioned. The result is a situation where Ghana's campaign finance regime is excellent only on paper (Owusu, 2018).

Ghana also has challenges with transparency (Nyarko, 2021). The restrictions prescribe timely and periodic disclosures. However, political parties often file their financial reports with insufficient information for the EMB. General access to these financial reports by civil society organisations (CSOs) and activist citizens is constrained (Owusu, 2018). Interestingly, Article 55(14) of the 1992 Constitution requires political parties to make annual public declarations of their 'revenues and assets and sources of those revenues and assets', including the party's audited accounts. However, CSOs that have obtained access to these financial reports have reported glaring differences between the actual expenditures and what is reported to Ghana's EMB (Seel, 2016).

Effect on Democracy

The egalitarian rules that restrict national corporate financing and foreign funding have enhanced Ghana's sovereignty. The rules have also enabled the organic growth of a political financing regime that suits its national environment. Public funding for political parties has, to some extent, enabled a 'levelling of the playing field' for political actors. This has also reduced the commercialisation of politics, given the strict limitations on private financing (*Political Parties Act 574 of 2000*).

On the other hand, the failure to provide adequate public funding, while maintaining strict restrictions on private financing, has increased political corruption (Agrawal, 2025). Furthermore, the egalitarian model has made the existence of smaller political parties difficult. The strict criteria have overall facilitated the dominance by major political parties. These dominant parties include the New Patriotic Party and the National Democratic Congress. Their dominance may throttle the establishment of new political parties and cause the demise of smaller parties. It may also limit political competition in Ghana.

In view of the above discussion, the democratic effect of Ghana's adoption of the egalitarian model of political financing includes some democratic gains. There are, however, significant challenges that still need to be addressed.

SWITZERLAND CASE STUDY

Legal Framework

Switzerland's political financing regime exemplifies the libertarian approach, characterised by minimal regulation and maximum reliance on private financing (Freiburghaus, 2024; Mach, 2011). Unlike many democracies, Switzerland has no comprehensive federal legislation governing political party financing, reflecting the country's philosophical commitment to political freedom and federalist principles (Switzerland, *Ordinance on Transparency in Political Funding, 2022*; Switzerland, Federal Constitution of the Swiss Confederation, 1999; *Federal Act on Political Rights, 1976* [Switzerland]).

The Constitution of Switzerland guarantees freedom of expression and access to information. There is a consensus that the Swiss Constitution protects private political financing as a form of expressive freedom. These expressive freedoms include citizens' preference for political choices (Switzerland, Federal Constitution of the Swiss Confederation, 1999). There are minimal constitutional imperatives to limit political contributions from any person or organisation to Swiss political parties or to cap the parties' expenditures. There are minimal justifiable limitations on private political financing for Swiss political parties, including contributions to political parties (Freiburghaus, 2024).

Before October 2022, the Swiss federal regions were not required to impose any restrictions on political financing. Since October 2022, any contributions exceeding CHF 50,000 for federal elections must be disclosed by political parties to the Swiss Federal Audit Office. The law on electoral management at the federal level contains minimal provisions on political financing (*Federal Act on Political Rights, 1976*; *Ordinance on Transparency in Political Funding, 2022*). This minimalist regulation of political financing confirms Switzerland's practical federalist affirmation of the libertarian model.

The Power of Private Financing

Political parties in Switzerland rely entirely on private financing for their activities. There are no limits to contributions from private sources (Rosset, 2016) such as individuals and corporate organisations. Foreign contributions by Swiss citizens living abroad are allowed; all other foreign donations are not allowed. Anonymous donations are also prohibited (*Ordinance on Transparency in Political Funding, 2022*). Swiss political parties can also engage in commercial activities to raise money for their political activities (Nassmacher, 2009; Casas-Zamora, 2024). This sets up a highly market-driven system where parties must compete for financial resources and electoral support.

These market-driven models lead political parties to rely strongly on corporate donations. Swiss parties have therefore created fundraising structures to maximise their contributions from private sources. For example, the Swiss People's Party has mastered the art of mobilising private contributions from both corporate and individual sources (Chancellery, 2020). Private contributions from corporations account for a large portion of the funds collected by Swiss parties, because corporations have interests that converge with those of the parties to which they make contributions.

Critics argue that the above scenario sets up an unholy alliance between political and economic interests and an environment that may breed political corruption (Nassmacher, 2009; Casas-Zamora, 2024). In essence, the policy allows for unrestricted private financing of political parties by wealthy individuals. These elites can wield significant influence over parties and their policies. However, the decentralised administration of the Swiss regions restricts wealthy individuals' influence to specific areas (Nassmacher, 2009). As a result, this model maintains formal equality, while also allowing people to exercise their expressive freedoms.

Transparency

Swiss political parties periodically publish their financial records, showing the contributions received from private sources and their expenditures (*Ordinance on Transparency in Political Funding, 2022*; Agrawal, 2025). Any cash or in-kind donations exceeding CHF 15,000 from a single donor received by political parties must be disclosed annually. Any federal campaign expenditures exceeding CHF 50,000 must also be disclosed.

The disclosure requirements enable transparency in the libertarian model of political financing. However, the requirements differ across the Swiss regions. In many regions, there is no requirement to disclose the donations and expenses of political parties. Other regions have disclosure rules. Some political parties at the federal level voluntarily make some of their financial records available to the general public.

Some commentators criticise the minimal disclosure requirements for private sources of financing. It is argued that the minimal transparency regarding who is secretly financing Swiss political parties shields the political influence of private funders from scrutiny. This creates a challenge in enabling democratic accountability and highlights potential political corruption between private funders and political parties (Walecki, 2005; Karl-Heinz Nassmacher, 2009).

By contrast, proponents of minimal disclosure of private funding sources argue that citizens vote for political parties based on their policies, and that, once in power, these parties act without any influence from their private funders (Nassmacher, 2009; Agrawal, 2025). Some federal authorities have, however, enacted a series of strict disclosure regulations, with varying degrees of success (Nassmacher, 2009). No formal assessment has been conducted regarding a strict disclosure regime at the federal level to confirm its effectiveness.

Democratic Effect

The Swiss model of financing allows political parties to craft strategies that maximise private contributions to perform their activities. This facilitates political competition. These minimal state restrictions enable Swiss political parties to quickly adapt to the changing political environment without the attendant bureaucratic limitations. Furthermore, the lack of complex regulations enables the establishment of new parties and the continued existence of smaller ones. This libertarian model does not require resources for enforcing the financing restrictions. However, new and smaller political parties may struggle to raise financial resources for their activities, compared to the major Swiss parties. In addition, the influence of wealthy individuals and corporate interests may enable a plutocratic Swiss state, which would undermine the values of democratic accountability and equality (Agrawal, 2025). The minimal disclosure of private sources of financing makes it difficult to evaluate the extent to which wealthy private interests actually do undermine democratic equality.

During recent electoral campaigns, concerns about potential political corruption linked to corporate and foreign funding have underscored the shortcomings of minimal restrictions in a libertarian model (Walecki, 2005; Ammann, 2024; Agrawal, 2025). As noted, critics argue that the lack of transparency can undermine democratic equality. By contrast, supporters of the libertarian model claim that the overall success of the Swiss political system is evidence that this model of political financing is effective (Tilton, 1974; Casas-Zamora, 2024).

COMPARATIVE ANALYSIS OF GHANA AND SWITZERLAND

Democratic Equality

Switzerland's libertarian values and Ghana's egalitarian approach differ significantly. The first model does not necessarily 'level the playing field', while the second seeks to achieve democratic equality through strict state intervention. Switzerland's model allows parties to mobilise substantial resources from private sources, which may hinder political opportunities for actors with meagre resources. Its proponents argue that the ability to mobilise such resources freely is evidence of political support (Nassmacher, 2009). By contrast, Ghana's model restricts funding from private sources and provides minimal public support to political parties in a bid to equalise political opportunities.

Ghana's model is effective in levelling the electoral field only if the state provides sufficient public financing for political parties (Agrawal, 2025). This approach can equalise economic inequality, facilitating a plurality of legitimate political voices in Ghana. However, insufficient public funding has led political parties to rely on funding from private sources, which is strictly restricted. The unavailability of public funding has led to non-compliance. The EMB's enforcement challenges have further exacerbated this non-compliance. Overall, difficulties in regulation and resource scarcity hinder Ghana's model, which would otherwise facilitate democratic equality (Atta-Kesson, 2021). By contrast, Switzerland's model optimises resource allocation by allowing the political market to distribute private financing resources according to political demand.

The discussion above shows that both models face difficulties in achieving their intended aims. Switzerland's model may enable political corruption and weaken democratic representation. Ghana's approach encounters regulatory and resource challenges that impede its enforcement.

Transparency

Regarding transparency and democratic accountability, Switzerland's system advocated for voluntary disclosure until 2022 (*Ordinance on Transparency in Political Funding, 2022*). Switzerland's libertarian regime now provides for minimum disclosure requirements. By contrast, Ghana's framework has implemented strict compulsory disclosure obligations; political parties are required to declare periodic financial reports to the EMB and the general public, disclosing the sources of their funding, assets, and expenditure (*Political Parties Act 574 of 2000*). Making this information public enables a transparent examination of who has financial influence over Ghana's political leaders.

Switzerland's minimum restrictions can lead to conflicts of interest and consequent political corruption. In this sense, the minimum disclosure regime may stifle democratic accountability. On the other hand, Ghana's model faces enforcement deficiencies. The discussion above shows that, with adequate resources, Ghana's egalitarian approach can deliver democratic dividends through effective enforcement, whereas the Swiss model undermines some democratic values, although it enables freedoms of speech and association.

Institutional Capacity and Enforcement

In many countries, the principal regulatory agency for political financing is the EMB. The EMB, however, must be assisted by other government agencies to execute its mandate, given the complexity of enforcing political financing laws. This interagency cooperation can facilitate a robust enforcement ecosystem (Agrawal, 2025). For enforcement to be effective, the EMB must be adequately resourced with human, financial, and technical expertise.

Ghana's comprehensive regulatory framework demands sufficient administrative resources and is hindered by implementation challenges. By comparison, the resource demands to enable regulatory compliance are less under Switzerland's libertarian approach. There is a risk of undermining the democratic dividends that Ghana's egalitarian model offers. While the Swiss model significantly reduces administrative and enforcement costs, it also risks facilitating political corruption if political parties employ unethical financing practices. The Swiss model, therefore, lowers the threshold for democratic protections.

The discussion above shows that potential and ambition must be aligned with capacity when a country selects a political financing model. Although comprehensive regulations are vital to enabling democratic equality, this ambition should be aligned with the regulatory resources available to a country to allow for an effective regime. It may be counterproductive to advocate for a strict regime without the resources to enforce it. On the other hand, minimal regulations risk undermining opportunities for democratic equality.

Political Competition and Innovation

Ghana's egalitarian model can undermine the establishment of new political parties. Due to its strict regulations, it can also stifle or lead to the demise of smaller parties. To access public funding, parties must meet minimum criteria to receive such funding. These strict criteria may not be feasible for new political voices that seek to register parties or for existing smaller parties (Atta-Kesson, 2021). As a consequence, the diversity of political opportunities may be undermined in a heterogeneous society.

On the positive side, Ghana's strict regulations may stifle the influence of foreign, wealthy, and criminal elements on the autonomy of political parties and the political environment generally. This approach can enable democratic competition and equality through the strict control of money from private and public sources. Nonetheless, some commentators allege that formal equality does not necessarily translate into substantive equality in practice (Walyemera, 2024; Agrawal, 2025).

The Swiss approach enables new political voices to emerge easily. Smaller parties can meaningfully participate in the Swiss regime, given the liberal approach to regulating contributions from private sources. Nonetheless, the downside is that Switzerland's model still advantages more established parties, which undermines political competition. This liberal approach also distorts genuine electoral support for political actors that lack adequate resources (*Ordinance on Transparency in Political Funding, 2022*).

LESSONS FOR SOUTH AFRICA'S EMERGING REGIME

The South African Context

Before 2018, CSOs in South Africa often advocated for transparency in the financing of political parties (Maphunye, 2019). About a decade earlier, in *Institute for Democracy in South Africa (IDASA) v African National Congress (ANC) & Others*, 2005, IDASA had claimed that under section 38 of the 1996 Constitution, South Africans had a right to access information on the financing of political parties. IDASA's arguments were unsuccessful.

Subsequently, however, other CSOs successfully promoted transparency in political funding. In *My Vote Counts NPC v Minister of Justice and Correctional*

Services, 2018, the Constitutional Court of South Africa established a disclosure regime for the financing of political parties. The Court noted that transparency was a prerequisite for democratic accountability. The decision also enabled the pioneering establishment of a legal framework for the public funding of political parties.

The exploitative apartheid system dominated South Africa's political and constitutional history. The economic inequalities created by the apartheid regime can only be remedied through transparency in the financing of political parties. In the absence of transparency, the remnants of the apartheid system may seek to capture the political process to continue sustaining their racist political and economic power (Clark, 2014; Mukaddam, 2024).

In addition, dominance of the political scene by the ANC can present unique challenges that may hinder a robust multiparty system in a post-apartheid environment. This dominant-party difficulty is not relieved by implementing a political financing regime at three levels of government. This is due to the absence of adequate administrative and expert resources for regulating political finance at these levels of government (Independent Electoral Commission of South Africa [IEC], 2020).

Practical Recommendations for a Hybrid Approach

Considering the differences between Ghana's egalitarian approach and Switzerland's libertarian model, South Africa should adopt a hybrid model (Agrawal, 2025). This approach would allow for the positive aspects of both models to be applied, making the most of their respective benefits. Some practical recommendations for the hybrid model are discussed below.

South Africa's disclosure framework needs to be more regulated than Switzerland's minimal disclosure regime, yet more practical than Ghana's very stringent approach. South Africa's distinctive political landscape would be well served by this hybrid framework, which would promote transparency in political finance and counter the exploitative legacy of apartheid. With the aid of emerging technologies, the proposed approach can be supported by prompt disclosures of substantial private contributions and accessible technological interfaces available to the EMB, anti-corruption CSOs, and citizens.

South Africa should permit private financing of political parties because of its limited capacity to publicly fund party activities. However, the country should avoid the minimal restrictions approach characteristic of Switzerland's model. Any restrictions on private funding should serve to prevent a plutocracy in South Africa. These restrictions should be adjusted periodically to cater for inflation. South Africa should also avoid Ghana's stringent approach to mobilising resources from private sources in the absence of adequate public funding (Agrawal, 2025).

To promote the diversity of political opportunities and redress the challenges of South Africa's apartheid past, both the proportional and the equitable models should be applied in disbursing money from the EMB (South Africa, 1996). A portion of funds should be allocated to all registered political parties to encourage the plurality of political voices in South Africa. In summary, both Ghana's strict model, which has a high threshold for accessing private and public funding, and Switzerland's approach, which places minimal regulations on contributions from private sources, are inappropriate for South Africa, given its racist history (Walyemera, 2024).

Institutional Framework

South Africa's EMB is the Independent Electoral Commission (IEC), which some commentators feel is not the best-suited institution to regulate political financing. They argue that another independent institution should be established for this critical task (Maphunye, 2019). However, the IEC has established a credible global reputation as an independent EMB. In view of South Africa's meagre resources available for electoral management, it makes financial sense for the IEC to administer the regulatory role, given its proximity to the IEC's principal mandate of election management.

The IEC should establish a political financing unit whose sole mandate is the regulation of political financing. Thereafter, the unit's administrative and technical capacity can be built incrementally. In view of the fact that a robust political financing regime exists in an ecosystem, the capacity of all the key stakeholders should be built periodically. These stakeholders include other oversight government agencies whose mandates align closely with political financing, as well as CSOs, political parties, and activist citizens. In the long term, these capacity-building initiatives will enable a robust regime for South Africa's political landscape.

Given South Africa's tiered government, enforcement mechanisms ought to be implemented in a segregated manner, as opposed to Switzerland's liberal approach and Ghana's ineffective enforcement. This approach would enable sanctions that strengthen the political financing regime. The sanctions regime should be drafted in a manner that encourages corrective measures for minor infractions and stronger penalties for major infringements, to ensure deterrence (Agrawal, 2025).

Adaptive Design

As the implementation of South Africa's budding regime proceeds, its enforcement should be adaptive to enable learning experiences from which to select best practices that fit with the 'rainbow nation's' political environment. These cumulative learning experiences should include periodic input from the key stakeholders involved in the political financing ecosystem. These stakeholders should include the IEC, other oversight government agencies with roles closely aligned with that of the IEC, political parties, CSOs, academic experts, and activist citizens. These regular evaluations should include consideration of new technology to facilitate real-time disclosure of contributions and reporting of infringements by political actors. This exploration may also include innovative political funding strategies from third parties (Agrawal, 2025).

The continued engagement with international political financing networks can facilitate the exchange of unique ideas about regulating financing that may be suitable for South Africa's nascent regime. This global exchange benefits South Africa's regime by enabling the adoption of best practices from other national jurisdictions with similar political environments.

Specific Regulations

South Africa's public funding formula should acknowledge the apartheid past by enabling political opportunities for a heterogeneous society. In accordance with Article 236 of the 1996 Constitution, this funding formula should embrace political diversity to foster political competition among all races that belong to the nation. As is best practice in other countries, South Africa's Constitution should be amended to expressly provide for a percentage of the national budget to be allocated for the public funding of political parties. By nurturing leaders for the country, political parties serve an essential public good.

To enable the integration of South Africa into the global community, the country should allow foreign contributions with strict limitations to protect its national democratic sovereignty from corrupt and criminal interests. These restrictions on foreign contributions can include the prohibition of donations from foreign governments, political parties, and organised crime syndicates. Other limitations can include capping annual contributions from foreign sources at a certain threshold, with periodic evaluations to account for inflation. Contributions from private sources within the country should be capped at reasonable amounts. This would allow parties to raise funds to support their political activities, without exposing the autonomy of such parties to capture by wealthy or criminal elements.

MITIGATING IMPLEMENTATION CHALLENGES

Capacity Limitations

There are difficulties encountered in implementing the *Political Parties Funding Act of 2018*. These challenges include limitations in the IEC's administrative and technical capacities to enforce the disclosure framework; some limitations involve the IEC's inability to monitor compliance with the regime. Political parties also face challenges in compiling comprehensive and reliable financial reports for the IEC. Consequently, the quality of these financial reports is in doubt. This is exacerbated by smaller political parties that do not have the capacity to compile and timely file financial reports to the IEC (IEC, 2020).

The IEC's innovative inclusion of new technologies in the disclosure regime can improve the filing of financial reports in a comprehensive and timely manner. These new technologies can be designed in a simplified way to enable their use by a wide array of stakeholders. This simplified compiling and filing of political finance reports can facilitate compliance with the disclosure regime. Other oversight CSOs and activist citizens can assist the IEC in assessing compliance with the disclosure requirements by identifying inconsistencies between what is filed and what parties actually receive and spend during their political activities. This may trigger investigations, which could lead to enforcement actions against infringing actors. Penalising political actors may serve as a deterrent to others who intend to violate the disclosure regime. The above discourse shows that a progressive implementation of the disclosure regime would enable capacity building among key stakeholders and can eventually facilitate a resilient political financing ecosystem.

Enforcement Constraints

To enable deterrence, political actors who infringe the disclosure laws should be sanctioned promptly. Ghana's difficulties with enforcing its egalitarian regime provide valuable lessons for South Africa. The IEC's prompt investigation of non-compliance requires technological and technical expertise that can be developed over the long term. The legal mandate of the enforcer should be explicitly set out in the law to avoid unnecessary litigation with stakeholders, which could derail the enforcement of the regime. Simplified enforcement mechanisms must be implemented in an incremental fashion. Ultimately, a robust political financing regime depends on the political and administrative will of the regulators (Thuynsma, 2025).

These simplified compliance and enforcement measures should include minor and major sanctions (Walyemera, 2018, 2024). Minor sanctions can include education and corrective action, while major violations should include fines and custodial sentences. This reflects the fact that non-compliance may result in grand corruption, which has far-reaching consequences for the political and economic vibrancy of South Africa (Maphunye, 2019). The simplified compliance mechanisms would allow for the graduated implementation of the political financing regime while capacity is being established to sanction severe non-compliance.

Resistance by Political Actors

The reform of political financing is bound to face resistance from those who benefit from a more liberal status quo. South Africa is no different from other nations that have experienced resistance to the regulation of political party financing. Indeed, there has been resistance to the regulation of political financing in South Africa for decades (Pottie, 2003). Established parties and business interests have pushed back against the effective implementation of South Africa's regime. Consequently, the IEC, CSOs, and other key stakeholders need to devise strategies that will facilitate support from key political actors to enable buy-in, effective compliance, and efficient regulation.

Interventions that can build broad-based support include engagement by CSOs to sensitise the public about the benefits of regulated financing of political parties. This can include demonstrating the democratic gains of improved transparency. It could also encompass an incremental implementation of the political financing regime to demonstrate its positive effects for the general public and garner their support.

Technological Challenges

New technologies have enabled political financing and campaigns to be carried out in a highly sophisticated manner (Bagby, 2019; Hamada, 2021; Agrawal, 2025). These new technologies have enabled digital transactions and resource mobilisation through complex financial processes, including blockchain technologies, online fundraising, and campaigns. This has created challenges for the traditional regulatory mechanisms (Agrawal, 2025). Consequently, South Africa's political financing regime should be adaptively designed to address new technological developments. This will enable an adaptive political financing system. These flexible strategies include enacting legislative frameworks that can timeously adjust to enable the periodic implementation of new technologies. The IEC's inclusion of data analytics and digital disclosure mechanisms would greatly ameliorate the administrative burden of monitoring the disclosure regime.

South Africa's constitutional and legal framework allows for the inclusion of new technologies, including blockchain and artificial intelligence (AI), in electoral management (Bagbin, 2017). AI can enhance the IEC's oversight role regarding the disclosure of donations under section 9 of the *Political Party Funding Act.* When political actors receive suspicious donations above the set threshold, these could indicate political corruption. Real-time monitoring and algorithms that recognise certain patterns could be deployed by the IEC to thwart any possible money laundering and illicit foreign funding of political parties.

One of the founding values of South Africa's constitutional democracy is accountability. Section 1(d) of the 1996 Constitution establishes accountability as a core value of the rainbow nation. The critical role of transparency in the administration of public affairs was emphasised by the South African Constitutional Court in the case of *Economic Freedom Fighters v Speaker of the National Assembly, 2018*.

Blockchain technologies could enhance transparency in the financial transactions of political actors. The EMB can detect any fraudulent financial transactions in the accounts of political parties in real time. Both AI and blockchain technologies can facilitate the EMB's and the general public's verification of information provided by political actors, which may encourage compliance with the political financing regime. In *My Vote Counts NPC v Minister of Justice and Correctional Services, 2018,* the Constitutional Court held that citizens have a right to know the sources of private financing for political parties.

Section 32 of the 1996 Constitution prescribes that South African citizens are entitled to access information that is in the custody of public agencies. This enables informed public participation in the affairs of government. New technologies can be employed to ameliorate the IEC's administrative and capacity challenges in monitoring and enforcing the disclosure regime. AI and other automated reporting technologies can assist with real-time compliance and reporting. New technologies can also facilitate the real-time acquisition of cogent evidence to enable sanctioning. Other regulatory agencies, CSOs, and activist citizens can facilitate the enforcement of this disclosure regime if transparency is enabled by new technologies.

Such transparency must not violate the privacy rights of donors, as the privacy law protects their rights. Technological interventions must align with key legal considerations as established in leading case law jurisprudence in South Africa. Examples of such cases include *Democratic Alliance v African National Congress,* where the court justified the need for a government that is transparent in its affairs, and *Institute for Democracy in South Africa v African National Congress & Others, 2005*, where the court emphasised the need for accountability by political actors.

The legislative basis for applying the aforementioned new technologies is grounded in the need for an accountable and transparent EMB. The legal provisions include section 19 on citizens' rights to transparent, free, and fair elections. These provisions also include section 195, which provides for accountability in public administration. Therefore, there is a sufficient legal basis to include new technologies in South Africa's nascent regime to enable good governance by preventing political corruption.

CONCLUSION

The comparative analysis shows that neither Ghana's nor Switzerland's model fully resolves political financing issues. Ghana struggles with enforcing its regulations, while Switzerland's minimal approach threatens democracy. South Africa should therefore consider a hybrid strategy that combines public funding with regulated private contributions, transparency, and flexible frameworks, contingent upon institutional capacity, political will, and a democratic culture. Such a hybrid strategy has positive effects for governance, political competition, and public trust. Studying the various models has offered insights for strengthening South Africa's emerging democracy. Utilising new technologies can enhance regulation, and future research should investigate this area further.

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BROKEN OVERSIGHT: THE ROLE OF ELECTORAL JUSTICE IN POLITICAL FINANCE

Lessons from Mexico

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ABSTRACT

This article argues that Mexico's detailed and strict oversight rules for political finance, while among the most robust and praised in the world, are ultimately rendered ineffective due to recent failures of the country's electoral justice system. Through a process of politicisation, the country's Electoral Tribunal has increasingly used legal formalism and technicalities to reverse sanctions imposed by the National Electoral Institute (INE). The article first traces the historical evolution of Mexico's political finance model. Then it describes the country's political finance framework and the INE's sophisticated mechanisms of oversight. In addition, it provides key historical examples of sanctions and multimillion dollar fines levied on political parties in the early 2000s and 2010s. By contrasting historical 'megafines' with recent reversals, the paper demonstrates how procedural excuses now shield political actors – especially the ruling party – from the consequences of non-compliance.

Keywords: electoral integrity, political finance, oversight, TEPJF, judicialisation

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INTRODUCTION AND LITERATURE REVIEW

Mexico's transition to democracy was defined by successive reforms aimed at dismantling a hegemonic party regime and establishing a robust system for political finance oversight. However, as this article demonstrates, technical

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proficiency in auditing is insufficient without a functioning system of electoral justice. To understand the current crisis in Mexico, it is necessary to situate the case within the broader scholarly literature on electoral integrity, judicialisation, and the rule of law.

Electoral Justice and Integrity

Electoral justice is the fundamental guarantee that elections are conducted in strict accordance with the law while protecting the civil and political rights of citizens. As Norris (2015) argues, electoral integrity depends on every stage of the cycle being perceived as fair; when adjudication fails, the entire democratic architecture is compromised. In Mexico, the Electoral Tribunal (TEPJF) is tasked with this constitutional mandate. However, its recent reliance on legal formalism has shifted its role from a guardian of rights to a facilitator of procedural obstruction.

A core tenet of democratic theory is that the playing field needs to be level. Casas-Zamora (2005) highlights that in systems like Mexico's, which rely heavily on public funding, the goal is to prevent the 'plutocratisation' of politics and ensure that all actors have an equitable opportunity to compete. Without strict oversight, money becomes a tool for undue influence, rather than a resource for democratic participation. Oversight in this context can be defined as the monitoring and auditing of resources.

The mere existence of regulations is inadequate for ensuring free and fair elections, if the rules lack a credible enforcement mechanism. Ohman (2013) emphasises that oversight bodies must also be equipped and willing to penalise non-compliance. Mexico's history of 'megafines' in the early 2000s initially indicated a high degree of enforcement capacity. However, Levitsky and Ziblatt (2018) warn that democracies can be hollowed out when institutional 'referees' – such as the TEPJF – are captured or pressured into neutrality. When the judiciary reverses sanctions based on 'methodological' technicalities, it signals that the law is effectively unenforceable.

The Role of Independent and Competent Tribunals

Literature on the judicialisation of politics indicates that as political disputes are increasingly featuring in the courtroom, the independence and competence of judges are becoming the final safeguards of democracy. Ginsburg (2003) and Perez-Liñan and Castagnola (2016) note that in new democracies, high courts often face strategic pressures to favour incumbents.

In Mexico, the transition from substantive review to technical legalism reflects a breakdown in electoral justice. Mexico's adjudication score on the Electoral Integrity Project Index has dropped from 84 to 59, indicating that although the National Electoral Institute (INE) may have the technical personnel to find violations, the lack of a strong, independent tribunal renders their efforts inert. The INE operates in this area through its Technical Oversight Unit (the UTF, in Spanish).[2] Since the reforms of 2007 and 2008, the INE has utilised professional staff and innovative reporting systems. However, this framework is insufficient without a functioning system of electoral justice. This paper presents an analysis of recent decisions by the TEPJF (legal cases SUP-RAP-3/2024 and SUP-RAP-137/2024). It argues that sophisticated auditing tools are meaningless when electoral justice is ineffective.

MEXICO'S ROAD TO DEMOCRACY (AND OVERSIGHT)

Mexico's transition to democracy was a protracted process driven by successive legislative reforms aimed at dismantling the hegemonic party regime[3] that had governed the country since 1929. This regime had maintained its control by limiting real competition, even as it allowed for periodic – yet largely uncompetitive – elections. This system eventually began to seek additional legitimacy for its democratic veneer.[4] The result was a gradual opening up, with successive legislative reforms that provided additional spaces for the opposition.

Before this opening, opposition parties had existed only symbolically. The ruling Institutional Revolutionary Party (PRI) won virtually all the elections in the country. A first initiative to open the system occurred in 1963, with the introduction of a proportional representation measure. These 'party representatives' were allocated five seats in the lower chamber for all political parties that obtained more than 2.5% of the vote.

A major reform followed in 1977. Party registration rules became less strict, and left-wing opposition parties, including the Mexican Communist Party (PCM, in Spanish), could now formally participate. Moreover, proportional representation was introduced on a larger scale, with up to 100 representatives elected according to its principles.[5] The remaining 300 representatives were elected by a first-past-the-post majoritarian system. This directly led to a more pluralistic congress following the 1979 election.

The decisive steps toward building an oversight system occurred in the 1990s. Reforms in 1990, 1993, and 1994 culminated in the creation of the Federal Electoral Institute (IFE). This new body was separated from the government and took over election administration, which had previously been controlled by

2 Also referred to as the Technical Auditing Unit.

3 Sartori, G. (1976) Partidos y Sistemas de Partidos. Alianza: México. Available: http://campusvirtual.te.gob.mx/Posgrado/MDE/s3/partidos/sartori.pdf

4 https://www.memoriapoliticademexico.org/Efemerides/7/22071963.html

5 https://www.diputados.gob.mx/museo/s_nues11.htm

the Ministry of the Interior. This control had compromised the autonomy of the election management body and, consequently, the integrity of elections.[6] The process was finalised with the 1996 electoral reform, which guaranteed the IFE's complete institutional autonomy, effectively removing government influence from its decisions.

An additional and far-reaching legal reform took place in 1996. Dubbed Mexico's 'definitive' electoral reform, it guaranteed the autonomy of the IFE, completely removing the government's influence in its composition and decisions. Moreover, the reform sought to level the playing field by strengthening public financing to all political parties. Between the 1994 and the 1997 elections, the amount of funds distributed to political parties increased fivefold.[7] In addition, the 1996 reform granted all parties free access to public airtime on radio and TV. Both measures, naturally, benefited the opposition, which faced structural and historical disadvantages. A key consequence of these reforms was that the ruling party lost its legislative majority in 1997 and the presidency in 2000.

REFORMS FOR A ROBUST POLITICAL FINANCE SYSTEM

Early Reforms

As shown above, the main engine driving Mexico's transition to democracy and the improvement of its electoral system has been legal election reform. Changes were made to the electoral framework, from the Constitution to the Electoral Law; such changes have been frequent in the country and have covered most components of the electoral cycle. Political financing has not been an exception. Rules for financing and oversight were introduced during the first-generation reforms in the 1980s, strengthened in the 1990s, and perfected in the 2000s. As a result, by the mid-2010s, Mexico had one of the most comprehensive, well-staffed, and well-resourced oversight models in the world.

Mexico first approved a model for the financing of parties in 1987, when it introduced public financing and prohibited private funding. At that stage, the total amount to be distributed was calculated by multiplying the minimum cost of an electoral campaign for Congress by the number of candidates participating in the process. This funding was then distributed according to each party's electoral strength.[8] The funds were not earmarked and could be used freely. Parties were not obligated to prepare or submit reports of their expenditures.

6 https://portalanterior.ine.mx/archivos3/portal/historico/contenido/menuitem.cdd858023b32d5b7787e6910d08600a0/

7 Woldenberg, J. (1999) El modelo de financiamiento de los partidos en México. Disponible en : https://archivos.juridicas.unam.mx/www/bjv/libros/4/1593/34.pdf

8 https://www.diputados.gob.mx/sedia/sia/se/SAE-ASS-15-22.pdf

This framework was later improved in 1990. The reform of that year increased public financing and, for the first time, defined the types of activities on which political parties could spend the funds. Now, parties could use the allocated resources for campaigning; ordinary expenses; supporting their bureaucracy and operations; supporting their lawmakers; and specific other activities, including publications, training, and research.

This approach was further strengthened by the 1993 reform, which also provided financing for new political parties. Reporting was required for the first time. Parties had to submit annual and campaign reports detailing their income and expenditures.

The 1996 electoral reform marked a decisive step towards equality and transparency in political financing and oversight.[9] First, it included in the Constitution the obligation to provide funding to political parties. This step made the requirement difficult to modify or eliminate, as constitutional changes in the country require a two-thirds majority. Second, the reform significantly increased the total amount allocated to political parties.

Third, the reform changed the distribution formula to go beyond merely calculating electoral strength. Now, 30% of all funding was to be distributed equally among all parties. The remaining 70% was allocated based on electoral strength, according to the percentage of votes obtained at the national level.

As noted earlier, the 1996 reforms contributed greatly to levelling the playing field in Mexican elections. In doing so, they favoured a transition of the party in power. However, several challenges remained that made additional reforms necessary. Illegal financing, lack of transparency, misuse of state resources, vote buying, and other cases of political corruption were common in local and federal campaigns, even after the reforms.

Political Corruption

Despite the earlier reforms, the 2000–2006 period in Mexico was marked by significant political finance corruption scandals, which exposed systemic vulnerabilities. The most notorious cases occurred around the 2000 presidential election, namely Pemexgate and Amigos de Fox. The Pemexgate scandal involved the Partido Revolucionario Institucional (PRI), with presidential candidate Francisco Labastida. The key violation was the illegal diversion of an estimated 500 million pesos (USD $52.9 million at the prevailing exchange rate in 2000) from the state-owned oil company Petróleos Mexicanos (Pemex), through the oil workers' union (STPRM), to the PRI's campaign.

9 https://segasi.com.mx/publication/reforma_definitiva/

The Amigos de Fox case involved the campaign of Vicente Fox of the Alliance for Change (PAN-PVEM). The violations included the illicit receipt of contributions from foreign sources and mercantile companies, both prohibited by law, which were triangulated through the civil association Amigos de Fox. There was also a failure to report the full income to the electoral authority.

The electoral tribunal (TEPJF) heavily fined both the PRI and the PAN. In the latter case, the fine was based on the principle of *culpa in vigilando* (guilt for lack of vigilance).[10] A few years later, however, Mexico saw the emergence of the infamous 2004 video scandals. These scandals targeted close associates of the Mexico City mayor at the time, Andrés Manuel López Obrador (AMLO), a prominent figure of the Partido de la Revolución Democrática (PRD). The key actors were a businessman called Carlos Ahumada Kurtz ('Ahumada'), who secretly recorded the meetings, and the officials receiving the cash.

A particularly notable case was that of Carlos Ímaz Gispert, who was the mayor of Tlalpan Borough and a high-level official in the federal district administration; he was married to another high-level official, Claudia Sheinbaum. Ímaz was recorded receiving approximately 350,000 pesos in cash from Ahumada. Similar videos implicated AMLO's political operator, René Bejarano Martínez, in the 'Lord of the Rubber Bands' scandal. AMLO's former finance secretary, Gustavo Ponce Meléndez, was also implicated. The main violations were bribery, illicit enrichment, and the potential for illegal private contributions and money laundering in order to circumvent the electoral finance laws.

The subsequent 2006 race occurred in the context of a highly contested political environment and results.[11] Here, the losing candidate, López Obrador, claimed a lack of a level playing field because of unequal and opaque financing and uneven access to media. He also alleged there was undue influence by the incumbent president, Vicente Fox, and the business community against his candidacy, although the financing irregularities were more diffuse than the cases of 2000.

The above discussion provides a compelling case as to why Mexico needed a more robust system of political finance oversight. As a result, further adjustments to the country's electoral framework were implemented. Between 2007 and 2008, Congress discussed and passed electoral reforms to address these and other issues. In fact, this was one of the most extensive revisions ever made to Mexico's electoral law.[12]

10 https://archivos.juridicas.unam.mx/www/bjv/libros/11/5015/15.pdf

11 https://www.wcfia.harvard.edu/publications/consolidating-mexicos-democracy-2006-presidential-campaign-comparative

12 https://portalanterior.ine.mx/documentos/Reforma_Electoral/link_intro.htm

The 2007–2008 Reform

The 2007–08 reform sought to address some of the main concerns expressed after the contested 2006 election.[13] In response to the losing candidates' claims, stricter legislation was passed regarding propaganda and the use of media by third parties to support – or attack – candidates.[14] Moreover, the reform included new oversight rules for the use of political parties and candidates' resources. These rules went beyond electoral and campaigning matters; they included broader amendments to the Credit Institutions Law and the Federal Tax Code[15] and created a specialised unit within IFE to monitor and implement the rules.

The 2007–08 reform to Mexico's electoral should be discussed and analysed in detail, as it constitutes the country's current framework for political financing and oversight. As mentioned, it was characterised by several aspects aimed at improving the playing field between candidates and political parties. One focus of this effort has to do with money in politics.

Changes to Public Financing for Political Parties

The total amount of public money to be distributed among political parties was defined by a new formula, by multiplying an economic variable by an electoral one.[16] Specifically, it is calculated as 65% of the daily minimum wage in Mexico City (formerly the Federal District), multiplied by the total number of registered voters. This new formula immediately reduced the total amount of public money distributed to political parties.

Moreover, the reform substantially reduced public financing for electoral campaigns. For midterm elections, when only the Chamber of Deputies is renewed, parties collectively would receive only 30% of the amount corresponding to their ordinary (non-campaign) financing for that year. This represents a 70% reduction compared to the 1996 formula, which mandated 100% of the ordinary expenses for campaigns. In turn, for federal elections, when the president and both chambers of congress are elected, public financing was reduced by 50% compared to the 1996 formula, which had also mandated 100% of the ordinary expenses for campaigns.

The method of distributing public financing among the national political parties was maintained under the terms established in 1996. That is, 30% equally or proportionally, and 70% based on electoral strength according to the number of valid votes obtained by each party.

13 https://www.youtube.com/watch?v=UO6vT7-Iga4&t=360s
14 https://portalanterior.ine.mx/documentos/Reforma_Electoral/link_intro.htm
15 https://portalanterior.ine.mx/documentos/Reforma_Electoral/link_intro.htm
16 https://www.diputados.gob.mx/sedia/sia/se/SAE-ASS-15-22.pdf

A New General Comptroller

A General Comptroller's Office was created, charged with the responsibility of auditing all the Institute's income and expenditures, constituting the Institute's internal control body. It possesses technical and managerial autonomy, and its head is designated by the Chamber of Deputies with the vote of two-thirds of its members. The head serves in the position for six years and may be re-elected only once. The office is administratively assigned to the Presidency of the General Council and is required to coordinate technically with Mexico's Superior Audit Entity (Auditoría Superior de la Federación, in Spanish). The latter is a technical body in charge of auditing the use of federal public resources and is housed in the Chamber of Deputies.

New Oversight Rules

The 2007–08 electoral reform transformed political parties into subjects of legal control and oversight.[17] As such, parties must allow audits and verifications by legally authorised bodies and provide all required documentation regarding their income and expenditures. They are also required to report changes to their leadership or official address. Most importantly, they must use their public financing exclusively for sustaining their ordinary activities, covering pre-campaign and campaign expenses, and performing other legally related activities. Parties must submit reports on the origin and amount of the income they receive through any type of financing as well as its use and application.

As a step forward, banking, fiduciary, and tax secrecy requirements were waived so that the technical body could exercise its functions.[18] Banking secrecy prohibits financial institutions from revealing customer deposit or transaction data, whereas fiduciary secrecy protects information related to trusts (*fideicomisos*), including assets, operations, and beneficiaries. Tax secrecy prevents governmental tax authorities from disclosing taxpayers' confidential records.

The lifting of the above secrets was a critical advancement. It granted the auditing authority the power to access this financial information directly. The overall result contributed to greater accountability in elections. Finally, Article 99 of the Constitution mentioned that the constitutionality and legality of all actions by the Oversight Unit and in reviewing political party finances would be guaranteed by an electoral justice system.[19]

17 P. 238 https://archivos.juridicas.unam.mx/www/bjv/libros/6/2967/21.pdf
18 Mexican Constitution, Art. 41, Base V, Paragraph B; Law of Credit Institutions, Art. 142;
19 Mexican Constitution, Art. 99.

A New Oversight Unit

The core institutional change was the creation of the Unit for the Auditing of Political Party Resources (Unidad de Fiscalización), an autonomous technical body within the General Council of what was then the IFE. To ensure effective oversight, the reform explicitly stipulated that the Unit would not be limited by banking, tax, or fiduciary secrecy laws established by other legislation. This singular authority to override financial secrecy was crucial. It allowed the Unit to conduct a comprehensive review of parties' finances to ensure the origins, amounts, and use of all public and private funds were subject to strict public scrutiny. The head of this Unit is appointed by a two-thirds vote of INE's General Council.

The auditing procedure follows rigorous timelines for the 'reception and revision' of party reports. The Unit has 60 days to review annual and pre-campaign reports and 120 days for campaign reports. Throughout the process, the Unit can request all necessary documentation to verify the veracity of reported data. Should 'technical errors or omissions' be identified, the relevant party is granted 10 days to present clarifications or rectifications.

Following the review period, the Unit must, within 20 days, prepare a consolidated audit opinion (*dictamen consolidado*) and a draft resolution, which is then presented to the General Council for the imposition of corresponding sanctions, if applicable. Furthermore, the Council has the authority to open extraordinary audit processes with different timelines when necessary.

Finally, to guarantee due process and prevent arbitrary decisions, the system includes a mechanism for judicial review. Once the General Council of the Institute issues its final audit opinions and resolutions, the administrative process is concluded. The decisions may be challenged before the Electoral Tribunal (Tribunal Electoral del Poder Judicial de la Federación). This measure ensures that the audit's findings and resulting sanctions are legally sound and subject to the final control of the judicial branch. However, this aspect depends on the independence and competence of the Electoral Tribunal and its members.

FORMAL OVERSIGHT MECHANISMS

Oversight Mandate and Capacity

The 2007–08 reforms established new oversight rules and a specialised administrative body to implement and enforce them, namely the National Electoral Institute's Technical Oversight Unit (UTF in Spanish). In the Mexican context, oversight is defined as the systematic auditing and verification of resources to ensure that political parties and candidates comply with legal limits.

The UTF's mandate is broad, encompassing the financial scrutiny of national political parties, coalitions, associations, organisations seeking party status, electoral observers, and both partisan and independent candidates – including, most recently, candidates for judicial positions.[20] This unit operates under the supervision of the Oversight Commission, a body composed of five electoral councillors and the Head of the UTF.[21] The Commission's primary role is to review audit findings and propose sanctions for established violations. Infractions typically include receiving prohibited funding, failing to report income or expenditures, and exceeding campaign spending caps. Depending on the severity of the non-compliance, penalties range from administrative fines and the reduction of public funding to the disqualification of a candidate's registration.

The UTF is responsible for overseeing and auditing the origin, management, and use of all political parties' resources, ensuring compliance with the law. Mexico's electoral and political party laws outline three main requirements for political actors. First, the law establishes the primacy of public funding, which should prevail over private funds and donations. It also regulates the type and distribution of public funds, distinguishing between ordinary activities (to support the permanent activities of political parties) and campaign expenses (an additional 50% for general election years).

Second, the law sets several limits on funding, including limits on donations (a maximum amount an individual can donate to a party or candidate) and prohibitions on funding from specific sources (anonymous donors, foreign states and individuals, public institutions, and religious associations), which are strictly prohibited. Third, the law sets spending caps for all campaigns (presidential, senatorial, deputies, and independent candidates); exceeding those limits can result in sanctions, including the loss of legal registration for a political party or the annulment of an election victory.

To fulfil its mandate, the UTF relies on a rigorous and comprehensive auditing process, with four main pillars: 1) an integral oversight system; 2) field monitoring; 3) a registry of providers and suppliers, and 4) follow-up control.

The Integral Oversight System (Sistema Integral de Fiscalización [SIF, in Spanish]) is a central digital platform designed to help political parties, pre-candidates, and candidates comply with their reporting obligations. They can report the origin, destination, and application of resources, in real time. The platform allows them to register income and expenses, upload supporting documentation, generate accounting reports, calculate expense distributions, and automatically submit all quarterly, annual, pre-campaign, and campaign reports. For this purpose, political actors must record their income and expenses and upload supporting documentation directly into the system. It enables the INE to conduct continuous oversight rather than merely post-election audits.

20 https://www.ine.mx/la-unidad-tecnica-fiscalizacion/

21 https://centralelectoral.ine.mx/2024/09/05/aprueba-ine-integracion-y-presidencias-de-comisionespermanentes-y-temporales-para-el-seguimiento-de-los-pel/

Field monitoring. The INE uses specific mechanisms for on-site verification and evidence gathering. First, it relies on its staff to cover different areas, cities and neighbourhoods, and campaign events to identify political propaganda. The staff monitor and capture data about public roadside advertising (billboards, banners, and other propaganda in public spaces), internet and social media (monitoring campaign spending on digital platforms), and printed media. They also make verification visits to political rallies.

The UTF staff use a web platform called the Integral Field Activities Monitoring System (SIMAC, in Spanish) to capture evidence in the form of photos and videos, as well as data on publicity, propaganda, and other expenses. This information is then cross-referenced with the expenses reported by the political actors.

Registry of providers. All political-actor vendors must register with the UTF. A specialised web platform called the National Registry of Providers (RNP, in Spanish) requires and enables the registration of all individuals or legal entities (vendors), whether domestic or foreign, that sell or lease goods or services to parties, candidates, or independent candidates. This ensures transparency in third-party transactions. It also allows the UTF to cross-reference reported expenses with registered providers.

Follow up and control. The UTF uses an Electronic Notification system to notify audited parties and candidates of its determinations, agreements, resolutions, and other information during the auditing processes and related to audit findings. In addition, the Programmed Expense System helps political parties plan, execute, and control their projects and activities related to specific mandated spending categories. These categories include, for example, training, promoting women's political leadership, and youth leadership.

Finally, as part of its control function, the UTF also provides training to political actors to ensure they comply with electoral finance regulations and correctly use the auditing system. 'Campus UTF' is a dedicated digital platform that serves as a hub where people can access materials and courses, including how to use the main Integral Auditing System (the SIF).

Capacity of the UTF

The legal framework, mechanisms, and online systems for the UTF are robust. However, it remains crucial for this unit to possess adequate human, material and financial resources to do its job. To illustrate the point, this section provides a snapshot of the UTF's work during 2023–24. This is useful to illustrate the extent of the institution's capacity, resources, and thoroughness.

For auditing the 2023–24 electoral process, INE's UTF had a total staff count of 723. This number included 33 senior auditors, 24 supervisors, 32 oversight liaisons, 32 lawyers, 32 oversight systems specialists, and an impressive 600-strong contingent of trained monitoring auditors.[22] The monitoring auditors were deployed nationwide, and across the digital spectrum, to identify and capture political propaganda across different channels.

Table 1. Monitoring in public spaces (identified advertisements), UTF, 2024

No.	Obligated actor	Total
1	Partido Acción Nacional	1,974
2	Partido Revolucionario Institucional	328
3	Partido de la Revolución Democrática	130
4	Partido del Trabajo	1,379
5	Partido Verde Ecologista de México	2,077
6	Movimiento Ciudadano	3,716
7	Morena	11,339
8	Fuerza y Corazón por México	11,654
9	Fuerza y Corazón por México ǀ Partido Acción Nacional	78
10	Fuerza y Corazón por México ǀ Partido Revolucionario Institucional	35
11	Fuerza y Corazón por México ǀ Partido de la Revolución Democrática	12
12	Fuerza y Corazón por México ǀ Partido Acción Nacional ǀ Partido Revolucionario Institucional	2
13	Fuerza y Corazón por México ǀ Partido Acción Nacional ǀ Partido Revolucionario Institucional ǀ Partido de la Revolución Democrática	18
14	Fuerza y Corazón por México ǀ Movimiento Ciudadano	41
15	Sigamos Haciendo Historia	37,542
16	Partido Verde Ecologista de México ǀ Morena	13
17	Partido del Trabajo ǀ Partido Verde Ecologista de México ǀ Morena	8,263
18	Sigamos Haciendo Historia ǀ Partido del Trabajo	313
19	Sigamos Haciendo Historia ǀ Partido Verde Ecologista de México	337
20	Sigamos Haciendo Historia ǀ Morena	831
		80,802

Source: Official INE information, from 2023–24 Consolidated Oversight Commission Report.[23]

22 https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/175380/CGex202407-22-dp-7-1.pdf

23 https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/175380/CGex202407-22-dp-7-1.pdf

Table 1 shows the monitoring conducted in public spaces, along with the number of political propaganda items identified for each party or coalition. The procedure consisted of auditors and monitors touring the main avenues and, with the support of geolocation devices, collecting evidence of electoral propaganda in mailboxes, light boxes, billboards, marquees, urban advertising furniture, walls, bus shelters, bridges, fences, vehicles, or any other similar means. A total of 80,082 items were detected.

Table 2. Internet and social media monitoring, UTF, 2024

No.	Obligated actor	Facebook	Insta-gram	Own web-site	X (Twitter)	You-Tube	Other websites	Total
1	PAN	247	0	0	0	10	0	257
2	PRI	121	1	0	0	5	5	132
3	PRD	16	0	0	0	0	0	16
4	PT	1,270	12	3	20	0	3	1,308
5	PVEM	3,426	152	8	2	5	144	3,737
6	MC	6,258	302	14	18	82	511	7,185
7	MORENA	3,422	52	17	16	14	18	3,539
8	FyCM	18,789	619	26	1,469	413	835	22,151
9	SHH	9,803	137	12	42	35	480	10,509
10	SHH | PT	89	1	0	0	0	0	90
11	SHH | PVEM	125	8	0	2	0	0	135
12	SHH | MORENA	157	1	1	2	4	23	188
	Total	**43,723**	**1,285**	**81**	**1,571**	**568**	**2,019**	**49,247**

Source: Official INE information, from 2023–24 Consolidated Oversight Commission Report.[24]

Table 2 shows the results for internet and social media monitoring. This consisted of daily monitoring and tracking of candidates' websites and social media pages, as well as any other websites where propaganda or paid advertising could be detected on the Internet that would generate some benefit for one or more candidates. A total of 49,247 items were detected.

24 https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/175380/CGex202407-22-dp-7-1.pdf

Table 3 illustrates the procedure of gathering evidence of the propaganda distributed at political party and/or candidate verified events. It also shows the verification of campaign headquarters at which propaganda was found. A total of 7,580 events and 450 campaign headquarters were visited.

Table 3. Visits to political events and campaign headquarters, UTF, 2024

Visit	Obligated actor	Number of reported events	Number of verified events	Verified campaign headquarters
1	PAN	2,223	81	6
2	PRI	651	35	5
3	PRD	502	13	4
4	PT	17,596	121	25
5	PVEM	8,099	228	19
6	MC	24,111	323	91
7	MORENA	8,565	1,411	36
8	FyCM	68,794	1079	81
9	SHH	35,645	4,289	183
Total		**97,392**	**7,580**	**450**

Source: Official INE information, from 2023–24 Consolidated Oversight Commission Report.[25]

OVERSIGHT SUCCESS

As mentioned, after the 2007–08 reform, extra responsibilities were added by the 2014 electoral reform, which gave a national-level mandate to the IFE, transforming it into the INE. Hence, the UTF significantly strengthened its political finance oversight capacity. Specifically, the 2014 reform gave INE the power to oversee federal and local elections, a power that was previously held by the local election bodies. This step strengthened its UTF and enabled national-level and systematic auditing with high-tech tools.

As a result, from 2008 (and with an added boost after 2014), the UTF regularly imposed heavy fines on political parties for systemic violations of financial regulations. The fines often amounted to hundreds of millions of pesos (millions of USD) annually, across all parties. The system demonstrated impartiality, strong technical work, and a growing willingness to punish non-compliance severely.

The following examples were notorious campaign finance violation cases. They were sanctioned in the 2009, 2012, 2015, 2018, and 2021 elections, respectively.

25 https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/175380/CGex202407-22-dp-7-1.pdf

The 2009 midterm elections

The 2009 midterm elections were conducted under the IFE and followed the 2007–08 electoral reform, which centralised the management of media time and aimed to decrease campaign spending. Sanctions focused largely on exceeding spending limits and violations of the new media model through improper use of radio and TV airtime.

In regard to political financing violations, the IFE UTF's work in 2009 focused mainly on comprehensive audits of all national parties' federal campaign and ordinary expense reports. Specifically, the IFE UTF's auditing process reviewed 1,728 submitted reports and cross-referencing with field-collected evidence. It routinely uncovered unreported expenses, late submissions, funds without proper documentation to verify their source, excesses above spending caps, and general inconsistencies in the financial reports submitted by political parties for the 2009 federal deputy elections.

The audits resulted in a total of 31 million pesos in fines (the equivalent of USD 2.45 million at the 2010 exchange rate[26]), which were levied against seven political parties for various violations. The party with the highest fine was the PRD, at 9.4 million pesos (USD 750,000).[27]

The 2012 presidential election

This election generated significant controversy, especially regarding alleged vote-buying and campaign overspending. As a result, two key cases that were investigated by the INE UTF were the use of 'Monex' bank cards and excessive spending related to the winning candidate.

The Monex card case emerged during the 2012 presidential campaign amid concerns over potential illicit funding and campaign equity. The case involved the winning coalition – the PRI and PVEM parties – which supported Enrique Peña Nieto. The opposition alleged that the coalition relied on an illegal scheme by contracting thousands of prepaid debit cards that were issued by Monex bank. The cards were allegedly used to pay campaign workers or to buy votes and were funded through intermediaries.

The irregularities were brought to the UTF's attention primarily through complaints from opposing political parties. The UTF's subsequent actions were essential in documenting and quantifying the violations. In this regard, UTF conducted a major investigation, tracing money flows between the commercial entities, the intermediary, the bank, and the recipients. The UTF's audit confirmed a high volume of transactions and uncovered various financial irregularities.

26 https://www.banxico.org.mx/SieInternet/consultarDirectorioInternetAction.do?sector=6&accion=consultarCuadro&idCuadro=CF373&locale=es

27 https://wradio.com.mx/radio/2010/07/07/nacional/1278533700_323788.html

The IFE's General Council ultimately determined that the contracting of the cards did not constitute illicit financing. However, the UTF's audit proved that a portion of the money spent via these cards (around 3.9 million pesos, or USD 297,000) was not properly reported as a campaign expense.

In regard to the excessive spending, the opposition filed a complaint challenging the outcome of the 2012 presidential election results. They argued that the totality of irregular and unreported expenses, including the Monex transactions, excessive rallies, and undisclosed media spending, had caused the winning campaign to illegally exceed the spending limit. At the time, the limit was approximately 336 million pesos or USD 25.6 million.

Here, the UTF's audit was crucial, as it was responsible for calculating the total campaign expenditures. This calculation had to incorporate the cost of items that were not officially reported by the party, such as expenditure tied to the Monex cards and the valuation of other services. The UTF determined the overall extent of the unaccounted spending. Based on the UTF's final audit, the IFE concluded that while there was overspending, the total verified expenditure for the presidential candidate did not exceed the legal cap by the necessary 5% margin required by law to trigger an election annulment.

As a result, for all these irregularities, the PRI and PVEM parties were fined a total of 98.47 million pesos (USD 5.53 million). The fines were levied for omissions and irregularities in their campaign spending reports and for overspending.[28] Furthermore, it is important to mention that in the 2012 general election, a total of 195 candidates (1 in 8) had exceeded their spending caps. Overall, all political parties together were fined 341.8 million pesos (USD 26.3 million).

The 2015 midterms

These midterms were the first federal elections entirely overseen by the newly created INE. The INE had introduced the centralised and real-time fiscalisation system managed by the UTF.

A notable case in this election was the PVEM party's unlawful running of a nationwide media campaign that violated the constitutional ban on purchasing airtime on radio and TV for propaganda uses, as stated in the 2007–08 reform. The PVEM party broadcasted thousands of TV and cinema spots, disguised as 'legislative reports' or 'institutional messages', continuously during the campaign period. These messages promoted social benefits and featured party leaders, which is illegal because it allows for an advantage over opponents.

28 https://aristeguinoticias.com/0509/mexico/sanciona-ine-con-casi-100-millones-de-pesos-a-coalicion-que-postulo-a-pena-nieto/

Complaints from rival parties prompted INE's UTF to launch a comprehensive investigation, during which they quantified the commercial cost of the prohibited airtime and determined the amount of hidden, illegal funding received as an in-kind donation from the media. The UTF's findings led the INE General Council to impose a series of unprecedented fines, which added up to approximately 322.4 million pesos (USD 21.9 million).[29] The size of the fine led it to be publicly known as a 'megafine', a name by which the case became known.

The case confirmed the INE's expanded auditing power and enforcement of the legal framework to guarantee an equal playing field. The PVEM party was obliged to pay the penalty. It was paid through deductions from the party's future public funding.

The 2018 general election

The oversight process after the 2018 general election focused on two major areas: the annual ordinary expenses of the parties for the year, and the substantial campaign expenses incurred during the concurrent federal and local races. In the audit of annual ordinary expenses for 2018, which covered approximately 33.5 billion pesos (USD 1.78 billion) across 627 reports from all national and local parties, the INE's UTF identified 43 distinct types of violations.

The most recurrent and heavily penalised infractions were related to poor financial hygiene. This issue relates specifically to large balances of accounts receivable and payable with an antiquity greater than one year – a failure to properly clear or document transactions. As a result of the UTF's comprehensive investigation, the INE's General Council approved total sanctions against all political parties amounting to approximately 586 million pesos (USD 31.1 million) for these ordinary expenditure irregularities.

Regarding the 2018 campaign expenses, which included the presidential, senatorial, deputy, and local elections, the UTF's investigation was even more consequential. The UTF focused on timely reporting, the verification of suppliers, and adherence to spending limits. This audit led the INE to impose even larger penalties, totalling approximately 872.7 million pesos (USD 46.6 million) for irregularities in campaign finance reports.

Major actors involved were all nine national parties (PAN, PRI, PRD, PVEM, PT, Movimiento Ciudadano, Nueva Alianza, MORENA, and PES), as well as local parties. The largest fines were levied on the PRI (at roughly 186 million pesos or USD 9.9 million); MORENA (roughly 139.5 million pesos or USD 7.4 million), and the PVEM (roughly 107 million pesos or USD 5.7 million). The violations had included exceeding spending caps, not reporting expenses, late reporting of

29 https://www.elfinanciero.com.mx/nacional/ine-aprueba-multa-de-322-mdp-contra-el-partido-verde/

transactions, and misallocation of public funds. All the sanctions were collected by the INE through mandatory monthly deductions from the parties' future public financing, according to the principle that electoral finance violations must be strictly and effectively penalised.

The 2021 midterm elections

The INE, upon concluding its oversight of the 2020–21 federal electoral process, approved sanctions for a total of more than 673 million pesos (USD 33.6 million) for various irregularities. These had been detected in the campaign income and expenditure reports of political parties, coalitions, and independent candidacies.

During this auditing process, the most common irregularities that resulted in hefty fines for parties included unreported expenditures and unsubstantiated expenditures, as well as the omission of reporting operations in real-time (which is sanctioned at percentages of the amount involved). There was even a case of resource triangulation between a candidate's family and their party (Movimiento Ciudadano); this was sanctioned with a fine of more than 28 million pesos (USD 1.4 million).

Out of all these cases, the most notorious was that of MORENA, which was the party with the highest fine. The fine was for 323.4 million pesos (USD 16.17 million), equivalent to 48% of the entire total. MORENA was followed by the Workers Party (PT) and the PRI, which received sanctions for 72 million and 54 million pesos, respectively (USD 3.6 million and USD 2.7 million), equivalent to 11% and 8% of the total, respectively.[30]

The above examples show that after the 2007–08 electoral reform, and during 2014 when the IFE became the INE, there was a strengthening of the oversight authority's capacity. Basic auditing evolved into real-time, sophisticated financial investigations. Starting in 2009, when the focus was on enforcing the reforms and basic financial hygiene procedures, the UTF gradually moved to conducting large, sophisticated oversight operations, identifying parallel accounts with resource triangulation and new or improved methodologies. This history shows a clear increase in the scope, complexity, and severity of sanctions identified by the UTF and confirmed by the INE's General Council.

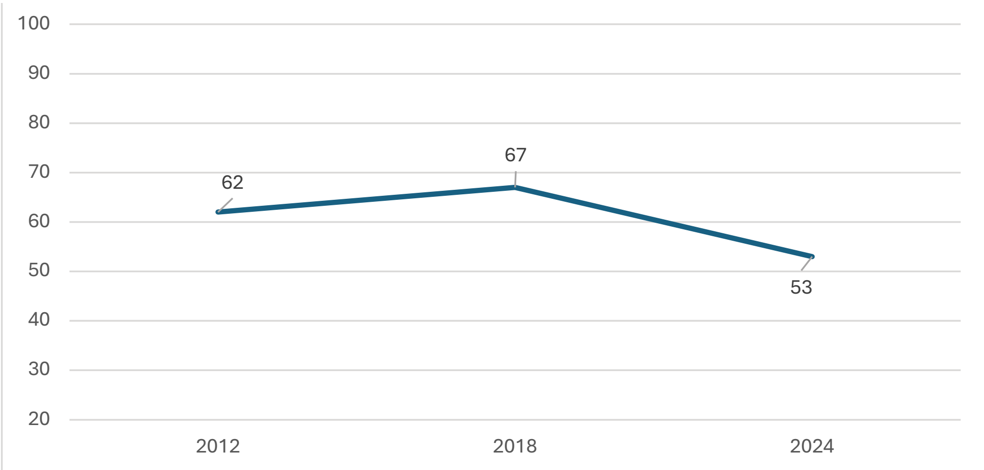
BROKEN OVERSIGHT

Despite the proven and sophisticated oversight capacity and a record of successful enforcement, 2023 and 2024 exposed a critical failure in the enforcement chain. It pertained to electoral justice. Mexico's 2024 electoral process was the first

30 https://centralelectoral.ine.mx/2022/11/29/sanciona-ine-a-partidos-politicos-nacionales-y-locales-por-irregularidades-en-informes-de-ingresos-y-gastos-del-ejercicio-2021/

election in which a decline in the integrity of electoral justice was evident since the measure was implemented in 2012. According to the Perceptions of Electoral Integrity Index, Mexico experienced a decline in its overall score from 65 to 53 out of 100 (see Figure 1). The weakest component in the evaluation was political finance, with a low score of 42 out of 100; this measure was significantly affected by persistent concerns regarding illegal campaign financing and the misuse of state resources.

Figure 1. Mexico's score on the Perceptions of Electoral Integrity Index, 2012–24



Source: Author's graph based on data from the Perceptions of Electoral Integrity Index (PEI-11.0).[31]

While these challenges are not new to Mexico's political landscape, they were aggravated in the 2024 election. Political actors were often accused of violating electoral laws by illegally utilising public resources for their campaign purposes or engaging in practices of vote buying and voter coercion. The pervasive problems were evident when, in 2023 and 2024, the Electoral Tribunal of the Federal Judiciary (TEPJF) received many formal complaints. The complaints specifically alleged gross irregularities in political party and candidate financing, ranging from a lack of reporting to misuse of funds.

Oversight in Action

Despite the UTF's capacity, resources, and thoroughness, there have been growing cases in which the TEPJF's enforcement has fallen short, especially regarding the

31 https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/EDY2V0

MORENA ruling party. First, the TEPJF has shifted from substantive review to a focus on perceived flaws in methodology, prioritising legal formalism over the defence of electoral rights (procedural legalism). Second, the Tribunal has ordered the INE to conduct further investigations that exceed its mandate and capacity. The situation effectively requires the regulator to provide evidence that the political party should have maintained – which amounts to a reversal of the burden.

These modifications and reversals, according to the Tribunal, were based on flaws in the INE's investigation, insufficient evidence, or improper administrative or procedural legal application. However, a closer examination of the cases indicates that these arguments are at best flimsy. The cases identified as SUP-RAP-3/2024 and SUP-RAP-137/2024 are good examples of this point.

SUP-RAP-3/2024: Late Registration of Expenses

The case originated on 1 December 2023, when the INE's General Council approved the consolidated opinion and resolution concerning the irregularities found in MORENA's annual income and expenditure reports for the 2022 fiscal year. The party's representative formally challenged this decision on 12 December 2023 by filing an appeal with the INE. The appeal was subsequently escalated to the High Chamber of the TEPJF under the docket number SUP-RAP-3/2024.[32]

The core of the INE's sanction was the party's failure to comply with real-time reporting obligations, specifically omitting 110,232 operations and 13 additional operations during the correction period.[33] These omissions were reported more than three days after the operation took place, totalling amounts of 1,006,926,189.92 pesos and 53,449.91 pesos, respectively. (The equivalent combined dollar value was about USD 55,000.) The INE's UTF found that these failures represented a significant breach of reporting deadlines. The UTF conducted a detailed review of the party's records in the SIF system and issued an initial formal notice of errors and omissions.

In its defence, MORENA argued that its real-time registrations were timely, regardless of subsequent modifications or additions to the initially registered information. The party requested that the fulfilment date be based on the first registration rather than the date of later adjustments. The INE, however, deemed this response unsatisfactory. The INE noted that while the party claimed the modifications were dependent on the initial records, it failed to specify which cases fell under this argument. The INE thus maintained that the party had not provided sufficient justification for the large volume of late reports. In turn, the

32 https://www.te.gob.mx/media/SentenciasN/pdf/Superior/SUP-RAP-0003-2024.pdf

33 https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/166165/CGex202312-01-rp-2-Morena.pdf

party's appeal argued that this point violated the principle of legal equality between the parties.

The Superior Chamber of the TEPJF partially revoked the consolidated opinion (INE/CG628/2023) and the resolution (INE/CG635/2023), acknowledging some of the party's grievances. Crucially, the Sala Superior determined that the INE failed to adequately substantiate the methodology used to sanction MORENA for the 110,232 and 13 late real-time registrations totalling over 1 billion pesos (USD 52 million). While the TEPJF agreed that MORENA's justifications were largely unsatisfactory, it found that the INE's reasoning for the sanction was legally flawed.

The Tribunal thus issued a partial revocation of the contested acts and ordered the INE's General Council to re-evaluate the sanctions and proceed in accordance with the effects specified in the judgment. In other words, it did not simply uphold the initial fine.

The TEPJF's finding that INE's UTF 'failed to adequately substantiate the methodology' argues that the UTF did not clearly and comprehensively explain *how* they had arrived at the conclusion that 110,232 operations were 'untimely' or outside the legal reporting window. The Tribunal claimed that 'While the party may have committed the fault, the INE's method for isolating and calculating the total number and monetary value of these infractions was not legally solid or sufficiently detailed in the resolution.'

In this regard, it is clear that since one is dealing with an automated real-time platform, the methodology employed is inconsequential. Simply, the SIF system logs the date and time when a report is filed (and modified, if it is). Therefore, an incompatibility between a deadline and a registration log should suffice as evidence. Moreover, the INE UTF had provided a clear and concise calendar with all deadlines for reporting, and, if needed, for addressing its observations.[34]

The result was internal disagreement within the TEPJF. Specifically, Magistrate Reyes Rodríguez and Magistrate Janine Otálora issued a dissenting vote, arguing that the majority decision was incorrect. In their view, the core sanctioning conclusions should have been fully confirmed. They stated that the party's failure to adhere to legal deadlines for financial reporting posed a serious risk of opaqueness and undermined the effectiveness of the oversight system.

SUP-RAP-137/2024: Fake Inclusion and Reporting

The case began with the initiation of the Ex Officio Administrative Sanctioning Procedure INE/P-COF-UTF/150/2019 on 6 November 2019, following an order

34 P. 10 https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/166165/CGex202312-01-rp-2-Morena.pdf

from the INE's General Council. This action was taken because inconsistencies were detected regarding the PVEM's use of public financing during the 2018 fiscal year.

The specific area under scrutiny was the mandated expenditure for the 'Training, Promotion, and Development of Women's Political Leadership'. This was an earmarked type of spending. The INE sought to verify that the PVEM had correctly applied the criteria of effectiveness, suitability, efficiency, control, and rationality in the use of the entire allocated sum of 11,868,000.00 pesos (USD 625,000) and that the expenditure was genuinely linked to the design and provision of courses related to women's empowerment.

The UTF's investigative procedures focused on verifying the existence of women's political training courses, which the PVEM claimed to have conducted primarily through online platforms. The investigation concluded that the information provided by the PVEM was neither reliable nor sufficient to justify the expense.

Specifically, the UTF found a lack of critical evidence: no photographic evidence of the courses was presented, and there was no evidence of the physical or digital delivery of certificates to the participants. Most significantly, the party failed to provide individual student evaluations, despite contracts with service providers that explicitly required the delivery of such evaluations to the party. These deficiencies resulted in the UTF finding the party was opaque in its application of the earmarked public funds.

The UTF's findings centred on a description of the irregularity as an 'omission or false reporting' of the training expenses, which constituted a severe breach of electoral integrity. Based on these findings, the INE's General Council sanctioned the PVEM with a fine of 37 million pesos (USD 1.94 million).[35] It also ordered that the case records be presented to other relevant authorities for review.

The Superior Chamber of the TEPJF did not confirm the INE's sanction in its entirety. Instead, the majority opinion voted to revoke the INE's resolution (INE/CG302/2024), mainly due to alleged procedural failures. Specifically, the TEPJF's majority opinion found that the INE's General Council was not exhaustive in its investigatory procedure, specifically in its requirements to prove the existence of the training courses. The TEPJF determined that the INE must issue a new resolution after performing additional, complete, and rigorous investigative procedures. The INE was ordered to determine the universe of students to investigate in the PVEM's online courses, practice investigation diligences toward

35 https://www.msn.com/es-mx/noticias/mexico/tribunal-electoral-perdona-multa-de-37-mdp-al-partido-verde-ine-no-prob%C3%B3-simulaci%C3%B3n-de-gastos-argumenta/ar-AA1AOhBu?apiversion=v2&noservercache=1&domshim=1&renderwebcomponents=1&wcseo=1&batchservertelemetry=1&noservertelemetry=1

the total student population, and analyse the information obtained and value it jointly with the other investigation documents already in the file.

Given the lack of a single photo, screenshot, certificate, or student evaluation, it was clear there was not enough evidence that the courses had taken place. However, the TEPJF decided rather to order the INE to conduct further investigations – which clearly exceeded its mandate. The INE was ordered to undertake the work and provide the evidence that the political party itself should have provided to demonstrate it did supply the courses.

This case, too, led to internal disagreement within the TEPJF. The minority opinion (again, by Justices Rodríguez and Otálora) argued that the INE's resolution should have been confirmed, because the existing evidence clearly demonstrated the party's failure to prove the training actually happened. They contended that the lack of critical documents, such as student evaluations and certificate delivery records, as well as the unreliable nature of the student responses already obtained, justified the finding that the PVEM had omitted to report with veracity the spending. They stated that this point made further investigation to confirm the irregularity unnecessary.

BROKEN ELECTORAL JUSTICE

The decisions in SUP-RAP-3/2024 (involving MORENA) and SUP-RAP-137/2024 (involving the PVEM) serve as critical examples of a recently emerging pattern among TEPJF magistrates. Most of these magistrates utilise technicalities and legal formalism to partially or entirely revoke sanctions and investigations initiated by the INE. Instead of addressing the core issues of political finance opacity, such as the massive amount of unreported transactions in the first case or the failure to prove the existence of mandated women's training in the second, the TEPJF focused on perceived flaws in the INE's methodology, rigour, or exhaustiveness.

This consistent application of procedural 'legal excuses', rather than confronting the substance of fiscal non-compliance, directly benefits the ruling party and its allies by nullifying or delaying significant financial penalties. It also fundamentally weakens the regulatory framework and undermines the integrity of elections. This occurs through signalling that non-compliance with transparency and accountability obligations can effectively go unsanctioned.

The available evidence regarding the INE's Technical Auditing Unit capacity highlights the unit's national scope and use of real-time auditing technology in the form of the SIF. The Unit has access to advanced external information (SAT, UIF). There is also a comprehensive regulatory framework. These facts demonstrate that non-compliance and impunity are not related to a lack of resources, training, or adequate methods. The UTF possesses the necessary institutional strength to conduct serious and effective investigations of political finance.

Therefore, when the TEPJF majority repeatedly revokes sanctions based on procedural technicalities, such as demanding a 'more exhaustive' investigation, as in the PVEM case, the root issue shifts from auditing capacity to failed electoral justice. In short, this pattern of using legal excuses effectively makes the rules unenforceable.

CONCLUSION

In its 2025 Report, the Electoral Integrity Project highlighted the decline of electoral integrity in Mexico. The decline was most significant in the area of adjudication, where Mexico's traditionally high scores – 84 in 2018 and 80 in 2021 – dropped to just 59 in 2024.[36] Adjudication has to do with conducting elections in line with the law, as well as the existence of clear processes for raising and dealing with complaints. In the case of Mexico, this is essentially done through the TEPJF.

The two legal cases discussed in this paper indicate that while the TEPJFs role is to ensure that elections are held according to the law, including political finance law, in practice, there has recently been an inability or unwillingness to uphold the integrity of the election finance system. Ultimately, this means an inability (or unwillingness) to protect the foundational principles of a fair and equitable electoral competition. Sophisticated mechanisms for auditing political party resources, an army of qualified staff, and even the existence of real-time online reporting platforms for parties and vendors all become meaningless when electoral justice is ineffective. That is sadly the case in Mexico at the time of writing.

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