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Comparative study of electoral systems in the South-East Europe

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1. INTRODUCTION

Different democratic countries use different systems for the election of representative institutions, such as Parliament. How a country translates citizens' vote into parliamentary seats is determined by various factors, related to the specifics of the country: the nature of the state, traditions, demographic composition, regional divisions, etc. However, the decisive factors in the selection of a country's electoral system often times are not considerations on the general public interest or evaluation that a particular system suits best the needs of a state. As is emphasized in the handbook of the International Institute for Democracy and Election Assistance - IDEA on designing electoral systems, often the decisive factor in selecting a particular system is the fact that this system benefits parties that can influence its selection¹, thus affecting in different ways challenging alternatives and narrowing the country's democratic space.

Noticeable weaknesses of the electoral process in Kosovo, as was demonstrated on 12th December 2010, occurred more as a result of poor administration of the elections and political interference in state institutions, than of the nature of the electoral system itself. But, since the Kosovo Assembly has undertaken an initiative to make a comprehensive reassessment of the electoral system, KIPRED Institute is committed to study in detail various alternatives to electoral systems, as it did in 2004, by collecting data from practices of other countries and taking into account the ideas of all stakeholders in this process. KIPRED's goal is to have the process of electoral reform concluded with the selection of a system which would be the most appropriate to the needs of the country and which would balance in the most optimal way important democratic objectives which often contradict each other.

For example, one of the challenges of electoral systems is balancing the need to produce more effective and functional institutions with the need to create institutions that are more representative and accountable to citizens. Direct election of members of the parliament (MPs) by the electorate of a particular electoral zone undoubtedly makes the MP more accountable to voters (since the latter have an exact address of responsibility), but the feeling of exclusive responsibility towards a geographic electoral group in some countries, may push the MP to give priority to narrow regional interests at the expense of general interest and effectiveness of government which he voted. On the other hand, electoral systems must often balance the need of a society for measures of positive

¹ International Institute for Democracy and Election Assistance, in the official portal of the institute <http://www.idea.int/resources/databases.cfm>, accessed on July 7, 2011

discrimination for different social categories, with the right of citizens to elect their representatives as they wish.

List of such contradictions between legitimate democratic objectives is long, while at the same time there is no universal formula which would be able to resolve them. The importance and relative weight of a particular objective in relation to other objectives of electoral systems is defined by the context and political priorities of the state. For example, in Kosovo circumstances, an important role is played by the obligations which Kosovo has taken over as part of the Comprehensive Proposal for the Kosovo Status Settlement known as the Ahtisaari package.

Besides, the solutions which can be provided for achieving an objective do not function the same in every state. Often, the reform processes are blindly guided by the experiences of other countries, while at the same time neglecting the specifics of the local context, thus creating unpredictable negative effects. The possibility given to the voters in Kosovo to choose five candidates from party lists could have been driven by the good intention to strengthen political representation². But elections of 12th December 2010 have shown that this element of the system, in circumstances when Kosovo is facing numerous institutional fragilities, significantly strengthens the tendencies for manipulation of the will of citizens.³

The main challenge during the debates on electoral reform in Kosovo will be finding an optimal formula which would at the same time achieve as many important objectives and that would strengthen democracy in the country. Selection of such a system can only be done if the reform process is accompanied with a broad social debate, in which specifics of various alternatives and the effects they can produce for the level of democracy and political stability would be discussed in depth.

KIPRED wants to encourage public debate about various alternative systems, their various details as well as their potential effects. KIPRED is doing this by firstly presenting a very short summary of electoral systems of several countries that were selected as comparative models either because of geographical proximity or contextual similarities to Kosovo's political reality. Selected states are: Macedonia, Albania, Croatia and Slovenia.

² “Zgjedhjet Parlamentare në Kosovë 2010 – Vështrim i pwrjithshwm dhe trendet e votimit” KIPRED, Prishtinë, prill 2011

³ Ibid

For the compilation of this publication we have used the method of comparing information from constitutions, laws, and official papers of the aforementioned countries, which we have mainly accessed electronically through official web sites.

This publication will be presented by the KIPRED institute in the working group of the Parliamentary Commission for Amending the Law on General Elections in the Republic of Kosovo. In this phase of the electoral reform, KIPRED aims at offering an analysis of the electoral systems of the countries of the region, without drawing conclusions or giving recommendations, which will be delivered in later phases based on continuous research work.

2. PRACTICES FROM OTHER COUNTRIES

In theory, the types of electoral systems vary from those of purely national proportional, where the percentage of the national vote for a party, translates into the same percentage of seats in parliament, to those majoritarian, where the race takes place directly between the candidates in certain geographic areas and it is won by the candidate with more votes, to mixed systems that combine elements of majoritarian and proportional with particular specifics (e.g. division into electoral zones). According to IDEA, the global trend is increasingly moving toward proportionate systems or toward strengthening of proportionate elements within mixed systems.⁴ Among the most developed democracies, only U.S.A. and UK have pure majoritarian systems, while other states have proportional or combined systems.

Different types of systems have special specifications aimed at achieving different objectives. Proportional systems can be organized in a way that members are elected by regional lists in the electoral zones so that the responsibility of MPs is connected to a given community. Open lists, meanwhile, will enable citizens to choose preferred candidates within the party list. Proportional systems can vary even based on the methods of counting the votes and sharing the mandates.⁵ In majoritarian systems there may be second rounds while in proportional systems there may be elements aimed at favoring certain social groups,⁶ or election threshold aimed at the prevention of deep political fragmentation, etc.

⁴ International Institute for Democracy and Election Assistance, in the official portal of the institute <http://www.idea.int/resources/databases.cfm>, accessed on July 7, 2011

⁵ According to formulas D'hondt, Saint League or Droop quota

⁶ These may include ethnic minorities, gender balance, electoral threshold aimed at preventing deep political fragmentation, etc.

States that we selected for this brief comparative presentation do not necessarily offer the best practices because, as noted above, decisions for implementation of such electoral systems in these countries may have not necessarily been motivated by considerations of their appropriateness but have been motivated by certain political agendas. In Albania, for example, reform of the electoral system which took place in 2008, after a compromise between the Democratic Party and the Socialist Party, was aimed, among others, at weakening the smaller parties and strengthening the leading personalities of the major parties, by using closed lists. These models are offered as part of this paper merely to illustrate how different states regulate some of the election issues and to encourage discussion on possible problems that may arise from their implementation.

Common to all countries surveyed is that all of them use proportional systems with electoral zones, where each zone sends a certain number of MPs to the Parliament. Except in Albania, where electoral zones are set based on its 12 administrative regions and where each zone has

There is no certain way of creating an electoral system. Countries try to create an electoral system that is most efficient for their society.

different number of inhabitants and parliamentary seats, all other states have set the boundaries of electoral zones arbitrarily on the basis of Law on Elections, by creating zones with a similar or equal number of voters that send the same number of MPs in to the Parliament.

Translating the percentages won by parties in the electoral zones, to parliamentary seats is done through various formulas. Croatia, Albania and Macedonia use D'hondt formula while Slovenia uses the "Droop Quota". In most cases - Croatia, Albania and Macedonia - the candidates are sent to the Parliament through closed lists, pre-defined by political parties. Only Slovenia applies the open list system where voters can choose a preferred candidate from the party lists and candidates with the largest number of votes succeed to enter the parliament.

All countries except Macedonia, have the election threshold, which has to be met by the parties and coalitions in each electoral zone to win seats - Croatia 5%, 4% Slovenia, Albania 3% for parties and 5% for coalitions. Meanwhile, all countries except Croatia have quotas for female representation in electoral lists - 25% Slovenia, 30% Macedonia and 30% Albania.

Electoral systems of Albania and Macedonia do not have positive discriminatory measures for ethnic minorities. Meanwhile, in Croatia this issue is regulated by creating a special non-geographic electoral zone, where minority parties compete for 8 guaranteed seats in the Assembly. Minority voters must choose whether to vote in the race within their geographical zone or special zone of

minorities. On the other hand, Slovenia has reserved parliamentary seats for Hungarian and Italian minorities, one for each. These MPs are elected through a special election process, where only members of these minorities can vote.

Albania and Slovenia do not have any system to include the diaspora in national elections. Croatia, on the other hand, has a special non-geographic zone for diaspora, which can result in up to 12 parliamentary seats, depending on the percentage of Diaspora participating in the voting process. Macedonia reserves three seats for representatives of the diaspora, one for each continent / geographical region where this state has diaspora.

3. TRANSLATING THE VOTES INTO SEATS

METHOD	DESCRIPTION
D'hondt	<p>Formula: Based on this method the mandates are not allocated only based on the percentage of votes won – this means the formula does not make a proportional translation of the votes but rather uses the calculated highest averages of each party. If an electoral district has 10 seats, every party’s total number of votes is divided with all the numbers from 1 to 10. The parties with the highest 10 numbers from these calculations will win seats in the parliament.</p> <p>The usual consequences: D’Hondt formula favors large parties or coalitions (which can be two to three, depending on the state) while hurting small parties. However, the bad effect on the small parties is diminished when the electoral districts are large and offer more mandates, which in turn gives the small parties more chances of winning mandates in a constituency.</p>
Sainte-Laguë	<p>Formula: Based on this formula, the allocation of seats is done proportionally based on the coefficient. The total number of party votes is divided by the number of seats of the party, which initially is 0 for all parties. The party with the highest coefficient receives the subsequent seat and then the new coefficient is calculates until all the mandates are allocated.</p> <p>The usual consequences: As with the D’Hondt method, the large parties and coalitions benefit from this method.</p>
Droop quota	<p>Formula: Droop Quota is a method designed to unable candidates to achieve the quota after the number of mandates is complete.</p> <p>The usual consequences: The biggest drawback of using this formula is the vote transfer from one candidate to the next, allowing mandates to be won even if the quota is not reached by a candidate alone.</p>

4. CROATIA

Croatia is a parliamentary republic with a population of about 4.6 million inhabitants. The reason for the selection of Croatia as a model, in addition to geographical proximity to Kosovo, is the fact that Croatia has a significant number of minorities (in total 22 of them), most of whom are Serbs (about 4.5% of the population), for whom electoral system provides a form of positive discrimination.

The two major political parties of Croatia (Croatian Democratic Union and Social Democratic Party), along with 10 other smaller parties, compete for 148 to 160 seats in the Assembly of Croatia. The fact that Croatia does not have a fixed predetermined number of MPs, makes the Croatian system specific and distinct.

Croatian MPs are elected through 12 electoral zones. Ten of these zones are geographic areas (districts) that send to the Parliament 14 MPs each (140 total) through a proportional system with closed lists, with the 5% election threshold and D'hondt calculation formula. Boundaries of an electoral zone are not defined based on any administrative state unit but in an arbitrary way, as the zones with relatively equal number of voters, from 250.000 to 300.000, which is explained also by the equal number of seats that are filled by each zone.

Zone 11 of the Croatian electoral system is non-geographic zone dedicated to the Croatian diaspora, and it provides up to 12 parliamentary seats. Exact number of MPs from the diaspora zone that enter the Assembly, depends on the number of diaspora voters that vote on the election day, which explains why the number of members of the Croatian Parliament may vary from 148 to 160.

Zone 12 of Croatia's electoral system is also non-geographical, reserved for minority parties, and sends to the Assembly 8 member of the parliament (5 seats are reserved for the Serb minority and 3 for other minorities). Regardless of the place where they vote, members of national minorities can vote for the parties competing in the geographical electoral zone, where minority parties compete with other Croatian parties and can obtain additional seats, or for special minority zone where minority parties compete among themselves for the reserved seats.

Croatia has no reserved percentage (quota) for female candidates. Despite this fact, female MPs compose 25% of the today's Croatian Parliament.

5. MACEDONIA

Macedonia is a parliamentary republic with about 2.1 million inhabitants. The reason for selection of Macedonia in this comparative presentation is that it is a neighboring state of Kosovo, with the similar number of inhabitants and with similar socio-political and demographic specificities. Macedonia, however, has a larger number of minorities in its population structure than Kosovo. Besides the Albanian minority, which is officially estimated at 24%, significant participation in the population have also Roma and Turkish minorities (about 4% each).

Two major parties in Macedonia, VMRO-DMPNE and Social Democratic Party, as well as two major Albanian parties in Macedonia, Bashkimi Demokratik për Integrim (Democratic Union for Integration) and Partia Demoratiqe Shqiptare (Albanian Democratic Party), compete with a number of other small parties for 123 parliamentary seats.

In total 120 MPs are elected through proportional races in six electoral zones. Electoral zones are determined arbitrarily on the basis of Law on Elections in order to have a similar or equal number of voters. Each electoral zone sends the same numbers of 20 MPs. Lists of the parties are closed, whereas there is no election threshold. Translation of the votes into seats is done by D'hondt formula.

Three MPs are elected from the diaspora - one for each of three specific areas of diapora (divided based on geographic regions). Meanwhile, Macedonia's electoral law requires from the parties that 30% of party lists in electoral zones are composed of women. On the other hand, Macedonia's electoral law has no provisions of positive discrimination for ethnic minorities. Albanian parties, regularly succeed to obtain considerable number of parliamentary seats, due to the large number of Albanian voters.

6. ALBANIA

Albania is a parliamentary republic with about 3 million inhabitants. It has been selected because it is a neighboring country with strong historical ties with Kosovo and it faces similar political challenges in the process of democratization and alignment with EU standards.

Two main parties, the Democratic Party and the Socialist Party, as well as the third party – Lëvizja Shqiptare për Integrim (Albanian Movement for Integration) and a small number of small satellite parties compete for 140 parliamentary seats.

All MPs are elected through proportional races in 12 electoral zones which are also defined by 12 administrative districts of Albania. Number of MPs that each electoral zone sends to the Parliament depends on the number of voters in that district. Before each parliamentary election, CEC of Albania divides the total number of voters with the number of seats in Parliament in order to get the average of the votes needed for one seat. This average is then used to determine the number of seats for each district.

Proportional races in regions are done through closed lists of the parties and coalitions, while counting is done using D'hondt formula. Election threshold for parties in each electoral zone is 3% and for coalitions it is 5%. Parties and coalitions are obliged to ensure that 30% of candidates in electoral lists are female, or that one of the first three candidates on the list is a woman. Republic of Albania does not have provisions favoring minorities and it does not give special rights to the diaspora vote.

7. SLOVENIA

Slovenia is a parliamentary republic with about 2 million inhabitants. High standards of democracy and institutional development of Slovenia, member state of the European Union, are often taken as an example and model for neighboring countries in South-Western Balkans. In addition, Slovenia and Kosovo is similar with regard to the number of inhabitants.

Largest parties in the country, Social Democratic Party and Democratic Party of Slovenia, compete for 88 seats in the Parliament of Slovenia, while two other seats are reserved for minorities (one for the Italian and one for the Hungarian minority).

Slovenia's electoral system is divided into eight zones where the races take place, divided among parties based on the proportional system with open lists where citizens can only vote for one candidate. Electoral zones are formed based on the Law on Parliamentary Elections in a way that ensures an equal/similar number of voters. Each zone sends 11 MPs to the Parliament of Slovenia.

In every zone, political parties running for the elections have to meet the 4% election threshold in order to obtain seats. Translation of the percentages to parliamentary seats is done by using the "Droop quota" formula, while these parliamentary seats are obtained by the candidates that have the highest number of votes within the party list.

Slovenia's electoral law was modified in 2006 in order to introduce the requirement that 25% of parties' election lists should be composed of women.

Hungarian and Italian minorities have the right to vote twice; in general elections - where 88 MPs are elected, and in the special election, where election of 2 MPs representing them as a minority, takes place.