

PALACKÝ UNIVERSITY OLMOUC
Faculty of Science
Department of Development Studies

Kateřina Procházková

Electoral Systems and the Representation of Minorities
and Specific Segments of Society

Master Thesis

Supervisor: Mgr. Lenka Dušková

Olomouc, 2016

Declaration of Authorship

I hereby certify that this thesis has been composed by me and is based on my own work, unless stated otherwise. No other person's work has been used without due acknowledgement in this thesis. All references and verbatim extracts have been quoted, and all sources of information, including graphs and data sets, have been specifically acknowledged.

Olomouc, 12th May 2016

.....
Kateřina Procházková

Acknowledgement

I would like to express my gratitude to my supervisor Mgr. Lenka Dušková for the useful comments, engagement and support during the learning process of this Master thesis. Furthermore I would like to thank my friends Antonija, Claudia, Veronika, Aleš and Ondřej for their useful remarks and technical and psychological support. Last but not least, I would like to thank my family, who has supported me throughout my entire studies.

UNIVERZITA PALACKÉHO V OLMOUCI
Přírodovědecká fakulta
Akademický rok: 2013/2014

ZADÁNÍ DIPLOMOVÉ PRÁCE

(PROJEKTU, UMĚLECKÉHO DÍLA, UMĚLECKÉHO VÝKONU)

Jméno a příjmení: **Bc. Kateřina PROCHÁZKOVÁ**
Osobní číslo: **R130103**
Studijní program: **N1301 Geografie**
Studijní obor: **Mezinárodní rozvojová studia**
Název tématu: **Volební systémy a reprezentace menšin a specifických segmentů společnosti**
Zadávající katedra: **Katedra rozvojových studií**

Z á s a d y p r o v y p r a c o v á n í :

Representation of minorities is an indispensable feature of conflict avoidance in democratic societies. Prudent choice of electoral system is important especially in divided societies comprising various minorities and in post-conflict situations where there exists a high probability of renewed conflict if country is not managed well. Electoral system influences division of power among segments of society and their political participation. Therefore, well-chosen electoral system is one of the key components of good governance concept.

This thesis focuses on ways to guarantee rights of minorities and their participation in electoral process. Author will analyse electoral engineering tools to ensure representation of ethnic, religious and linguistic minorities, as well as of women, with regard to their geographical spread, level of literacy and other features which could be perceived as an obstacles to their equal political participation.

Rozsah grafických prací: dle potřeby
Rozsah pracovní zprávy: 20 - 25 tisíc slov
Forma zpracování diplomové práce: tištěná/elektronická
Seznam odborné literatury:

BLANC, Jarrett, Aanund HYLLAND, K?re VOLLAN. State Structure and Electoral Systems in Post-Conflict Situations. IFES, 2006. CANON, David T. Electoral Systems and the Representation of Minority Interests in Legislatures. Legislative Studies Quarterly, Vol. 24, No. 3 (Aug., 1999), pp. 331-385. DIAMOND, Larry and Marc F. PLATTNER. Electoral systems and democracy. Baltimore, Md.: Johns Hopkins University Press, 2006. 245 p. MOSER, Robert G. Electoral Systems and the Representation of Ethnic Minorities: Evidence from Russia. Comparative Politics, Vol. 40, No. 3 (Apr., 2008), pp. 273-292. NOHLEN, Dieter, Florian Grotz and Christof Hartmann (Eds.). Elections in Asia and the Pacific: A Data Handbook. Volume I: Middle East, Central Asia, and South Asia. New York: Oxford University Press, 2001. 770 p. REYNOLDS Andrew, Ben REILLY, Andrew ELLIS. Electoral System Design. International Institute for Democracy and Electoral Assistance, 2005. REYNOLSD, Andrew. Electoral systems and the protection and participation of minorities. Minority Rights Group International, 2006. TOORNSTRA, Dick. Electoral systems in Europe: an overview. Brussels: European Centre for Parliamentary Research and Documentation, 2000. 72 p.

Vedoucí diplomové práce: **Mgr. Lenka Dušková**
Katedra rozvojových studií

Datum zadání diplomové práce: **29. ledna 2014**
Termín odevzdání diplomové práce: **16. dubna 2015**

L.S.

Prof. RNDr. Ivo Frébort, CSc., PhD.
děkan

Doc. RNDr. Pavel Nováček, CSc.
vedoucí katedry

V Olomouci dne 3. února 2014

Abstract

The Master thesis *Electoral Systems and the Representation of Minorities and Specific Segments of Society* focuses on the use of the electoral engineering mechanisms facilitating the access of minority representatives to elected parliamentary bodies. The work aims at providing insight into the area of electoral systems, their setting and performance, particularly in relation to underrepresented groups. Starting from the introduction of the normative framework for the participation of minorities in public affairs, the work continues with theoretic background of the concept of democratic elections, their functions, main features and international standards they should be in compliance with. The main part of the work focuses on the classification of electoral systems, the description of their main characteristics, practical performance, advantages and disadvantages. Afterwards, the main variables of electoral systems and other mechanisms of electoral engineering, which are applicable to enhance the representation of minorities and other specific groups, are described in-depth. Their practical use is demonstrated on the illustrative examples predominantly from the developing regions.

Key words: electoral systems, elections, electoral system design, minorities, minority representation.

Abstrakt

Diplomová práce s názvem *Electoral Systems and the Representation of Minorities and Specific Segments of Society* (Volební systémy a reprezentace menšin a specifických segmentů společnosti) se zabývá mechanismy, které nabízí volební inženýrství v oblasti zlepšení přístupu menšin a jiných specifických skupin do parlamentu prostřednictvím voleb. Cílem práce je poskytnout vhled do problematiky nastavení a fungování volebních systémů, konkrétně pak ve vztahu k obecně málo zastoupeným skupinám. V první části se práce zabývá normativním rámcem, který se týká samotné participace menšin ve věcech veřejných. Navazuje teoretické ukotvení konceptu demokratických voleb, jejich funkcí, charakteristik a mezinárodních standardů, kterými by se měly řídit. Hlavní část práce tvoří klasifikace volebních systémů a deskripce jejich nejvýznamnějších rysů, praktického fungování, výhod a nevýhod. Následně jsou vymezeny a hlouběji rozebrány hlavní proměnné volebních systémů a další mechanismy volebního inženýrství, jejichž nastavením je možno usnadnit, případně zaručit parlamentní reprezentaci daných skupin. Jejich praktické využití, výhody a nevýhody jsou rozebrány na ilustrativních příkladech převážně z rozvojových regionů.

Klíčová slova: volební systémy, volby, volební inženýrství, menšiny, reprezentace menšin.

Contents

List of Figures.....	10
List of Tables	11
Acronyms and Abbreviations.....	12
1 Introduction.....	13
1.1 The Objectives and Methods of Work.....	14
1.2 The Definition of Target Groups	16
1.3 Resources	18
2 The Importance of the Representation of Minorities and Specific Segments of Society	
21	
2.1 The International Framework for Minority Representation	24
2.2 Obstacles to Effective Representation of Minority Groups.....	27
3 Elections	32
3.1 Functions of Elections	33
3.2 International Standards and legal framework for the Conduct of Elections.....	35
3.3 The Main Features of Democratic Elections	38
4 Electoral Systems.....	42
4.1 What Electoral Systems Are.....	43
4.2 Where Does Electoral System Originate?.....	45
4.3 Designing the Most Convenient Electoral System	47
4.4 Classification of Electoral Systems.....	51
4.4.1 <i>Plurality-Majority Systems</i>	53
4.4.2 <i>Proportional Representation Systems</i>	61
4.4.3 <i>Mixed Systems</i>	67

4.4.4	<i>Other Systems</i>	70
5	Electoral System Design and Group Representation	74
5.1	The Key Variables in Designing of the Group Representation	75
5.2	Electoral System Variables and Group Representation	76
5.2.1	<i>Electoral Districts</i>	77
5.2.2	<i>Threshold</i>	86
5.2.3	<i>Reserved Seats and Communal Rolls</i>	89
5.2.4	<i>Nomination of Candidates and Ballot Lists</i>	96
5.2.5	<i>Further Considerations on Minority and Group Representation</i>	110
5.3	Final Considerations on the Electoral System Combinations	119
6	Conclusion	122
7	References	126

List of Figures

Figure 1: The Electoral system families	53
Figure 2: Delimitation of electoral districts.....	79
Figure 3: Gerrymander	80
Figure 4: Malapportionment	82
Figure 5: Malaysian election 2013 – party support.....	84
Figure 6: Affirmative gerrymandering: Illinois 4th Congressional District, 2003-2013 ..	85
Figure 7: Election instructions, El Salvador 2015	98
Figure 8: Ballot paper used for the House of representative elections, Ethiopia	100
Figure 9: Ballot paper used for parliamentary elections, Nepal.....	101
Figure 10: Ballot paper used for legislative elections in the Republic of the Congo	102
Figure 11: Ballot paper used in the first round of elections to the Senate, Haiti 1995...	103
Figure 12: Ballot paper used in Fiji.....	104
Figure 13: Ballot paper used for parliamentary election (MMP) in New Zealand	105
Figure 14: Ballot paper used for the elections of National Assembly (Parallel system), Pakistan	106
Figure 15: Example of the ballot designed for the 2013 election in Lebanon (BV)	107
Figure 16: Closed ballot list, the National Assembly elections, South Africa 1994	108
Figure 17: Ballot list used for the legislative election, El Salvador 2015	109
Figure 18: Election information leaflet, New Zealand 2016	116
Figure 19: Election instructions, East Timor 1999.....	117
Figure 20: Election instructions, East Timor 1999.....	118
Figure 21: Referendum ballot, Ethiopia/Eritrea 1993.....	119

List of Tables

Table 1: The legal framework for elections.....	37
Table 2: The Distribution of electoral systems across national legislatures.....	54

Acronyms and Abbreviations

ACE Network	ACE Electoral Knowledge Network
AV	Alternative vote
BC	Borda count
BV	Block vote
EU	The European Union
FPTP	First Past the Post
IDEA	The International Institute for Democracy and Electoral Assistance
IDPs	Internally displaced persons
List PR	List Proportional Representation
MMP	Mixed-Member Proportional system
OSCE	The Organization for Security and Cooperation in Europe
PBV	Party Bloc vote
SNTV	Single Non-Transferable vote
STV	Single Transferable vote
TRS	Two-Round system
UN OHCHR	The Office of the United Nations High Commissioner for Human Rights
UN	The United Nations
UNDP	The United Nations Development Programme
UNPO	The Unrepresented Nations and Peoples Organization

1 Introduction

One of the long term goals pursued by the international development cooperation is to support democracy and good governance. Effective democratic institutions play a key role in ensuring human rights which must be granted to every person regardless their ascriptive characteristics.

Elections are a necessary condition of democracy, and also one of its most distinctive features of democracy. They are fundamental for citizens' participation in public affairs, but they also give the government democratic legitimacy to rule. Also good governance – which should in principle be *participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law* – aims at the balanced dialogue between minorities and government which would improve mutual confidence. (Varenes, 2007) Therefore, no country can claim to be democratic if some groups within its population face institutional obstacles preventing them from participating in public affairs and from effective representation. Moreover, the limits in the access of minorities to decision-making, including participation in elections as well as representation in public offices, violates their right to participation in public affairs.

Lack of democratic legitimacy negatively affects the country's stability, economic performance, regional development, and even future of democratic governance. When certain social groups are underrepresented, or not represented at all, their voices are not heard, desires and problems ignored, which may result into systematic discrimination. Fernand de Varenes (2007) even mentions that minorities suffer disproportionately from a democratic deficit – not only they have interests that may differ from those of the majority, they also tend to be outvoted and underrepresented in most political systems. Contemporary efforts in the area of democracy and promoting

good governance continuously show how important effective social inclusion is for building stable, prosperous and resilient societies which are free from conflict.

Effective representation of minorities is specifically important in divided societies where existing cleavages cause tensions or latent conflicts. There, the inclusive representation can serve as a mechanism of conflict prevention, and thus enhance long-term social stability.

As a consequence of complex demographical processes, modern nations are distinguished by some degree of social diversity, based on a mix of ethnicity, nationality, faith, language, cultural, and other identity. Practically all states have one or more significant minorities living within their borders. Although there are no solid statistics, estimates used by the United Nations agencies suggest that between ten and twenty per cent of the world's population belong to minorities, which with a population of 7,4 billion people in 2016 can be up to 1,4 billion people can be described as minority population. Most of these people live necessarily in developing countries, which are often distinguished by a high degree of social diversity and related tensions. The institutional framework is often unsuitable for a given context and, instead of contributing to social cohesion, it rather leads to escalation of conflicts. These characteristics, together with an assumption that internal stability and conflict-free environment are conditions necessary for long-term development makes the topic of a minority representation particularly relevant and interesting for the context of development studies.

1.1 The Objectives and Methods of Work

Based on the assumption that the electoral design can lead to effective representation, which enables to overcome minority discrimination and to mitigate tensions between minority and majority population, the author will focus on the description and comparison of various electoral settings and their applicability for minority representation.

In order to facilitate the reader's understanding of the complexity of the topic, the author will start with an overview of the theoretical and legal background of the concepts of the minority representation, the representative democracy and the institute

of elections. Hereby, the base for further elaboration on electoral systems and their variables will be laid. Although the work does not deal with the design process itself, a short introduction into this area will be made to give the readers an idea of its complexity.

The work will introduce the most common electoral systems and provide with the explanation of the principles they work on. Subsequently, the electoral system variables and other mechanisms of electoral engineering, which can be used in order to facilitate minority representation, will be described. Their practical use will be demonstrated on the illustrative examples and compared from the point of view of their advantages and disadvantages for minority-oriented electoral system design. With a regard to the context of development studies, the illustrative examples will be – when possible and effectively serving the purpose of the work – chosen among the non-European countries. Since the developing countries are a kind of laboratories in the area of institutional design, they often come up with particularly innovative designs and solutions reflecting societal divisions, which are a source of inspiration for electoral engineering. This method of work, based on a deep description of studied area, supplemented by illustrative cases and hypothetical examples, should lead to the comprehensive understanding of the presented issues and their applicability in developing regions.

The work will primarily focus on the deliberate use of electoral system variables and other available mechanisms of electoral engineering that can be applied with a purpose of enhancement of group representation. In this regard, the structure and the content of the work will be developed to enable the author to answer the following research questions:

1. *Which framework is the minority representation based on?*
2. *What are the mechanisms available to electoral designers that can be used to enhance representation of minorities and other relevant groups?*
 - a. *On which principles do these mechanisms work?*
3. *Are there electoral system combinations that are more favourable to minority and group representation?*

The first part of the work sets the terminological and theoretical framework of the work. In the theoretical chapters, which explain the background of the minority

representation and the institute of elections, the descriptive method was adopted. Chapter four will sum up the existing knowledge in the field of electoral systems with respect to minority representation. Subsequently, the chapter five will provide a profound description of the functioning and applicability of electoral system variables and other electoral engineering mechanisms.

1.2 The Definition of Target Groups

In order to understand what this work deals with, it is important to define key terms and identify the groups primarily focused on. As stated in the title, the thesis deals with the representation of *minorities* and *specific segments of society*. Since these terms are general and different authors, institutions and organizations use them in various ways, for the purpose of this work, they will be understood as described below.

The diversity and changes in perception of minority characteristics, rights and legal status related to the raising importance of minority issues have made an establishment of a common definition of minority complicated, if not unrealistic. Although there are some widely accepted features of minority, there is not a single internationally agreed definition of minority. Still, various international organizations and researchers made attempts in this field. Worth mentioning at least some definitions:

Firstly, Asbjørn Eide's (1993) working definition for the UN Report *Protection of Minorities: Possible Ways and Means of Facilitating the Peaceful and Constructive Solution of Problems Involving Minorities*: "A minority is any group of persons resident within a sovereign State which constitutes less than half the population of the national society and whose members share common characteristics of an ethnic, religious and linguistic nature that distinguish them from the rest of the population."

Secondly, a *minority community* definition used by *The Permanent Court of International Justice*¹: "group of persons living in a given country or locality, having a race, religion, language and traditions of their own and united by this solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instructions and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other". (Tams, Sloan, 2013, p. 328)

¹ The Permanent Court of International Justice, with a headquarters in The Hague, was an international court attached to the League of Nations, working between 1922 and 1946 when it was replaced by the International Court of Justice.

Thirdly, definition by Francesco Capotorti, special rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities: „*A group numerically inferior to the rest of the population of a state and in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language*“. (UN OHCHR, 2016)

What we can draw from these quotations is that in the framework of social sciences, a *minority* usually refers to a group with some common features. The minority group can be culturally, ethnically, linguistically, nationally, racially, religiously, sexually (etc.) distinct.² For example, as stressed by *The Office of the United Nations High Commissioner for Human Rights* (OHCHR) the existence of a minority is a question of fact and any definition of minority must be based on both objective factors (the existence of a shared feature, such as ethnicity, language, religion) and subjective factors (individuals must identify themselves as members of a minority)³. (UN OHCHR, 2016; UNDP, 2010, p. 7)

Moreover, in the social sciences' conception, the minority does *not* necessarily need to be smaller in number, although it often is, but can have minor social, economic or political status. This is reflected in the definitions that mention a subordination to a more dominant group⁴, which can eventually be smaller in population⁵, as another key characteristic of a minority group. This feature is important⁶ because it excludes certain groups from their possible classification as minority. Members of minority groups are often socio-economically and politically disadvantaged, subject to discrimination and

² One of the few widely accepted documents, the United Nations General Assembly's *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (A/RES/47/135, adopted 18 December 1992) namely distinguishes "*National or Ethnic, Religious and Linguistic Minorities*". This document constitutes base for the use of the term minority in the United Nations human rights system and its agencies.

³ The subjective criteria are further explained by the UNDP's document *Marginalized minorities in development programming* on pages 7 and 8: "*According to the principle of self-identification, individuals belonging to minority groups have the right to self-identify as a minority or to not self-identify as a minority (see UNDM [Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities] article 3.2). A minority community has the right to assert its status as a minority and thereby to claim minority rights. Individuals can claim their membership in a minority community on the basis of objective criteria, including shared ethnicity, culture, language and religion. The preservation of the minority group identity depends on the expressed will of the minority community.*"s

⁴ Among them Encyclopedia Britannica's definition of minority (2016); already mentioned Francesco Capotorti's definition; or definition formulated by sociologist Richard T. Schaefer (2016).

⁵ As it was the case of South Africa under apartheid (1950-1991), Rwanda, back in history, also the case of most of colonial powers where white minority controlled the majority constituted by the people of colour.

⁶ The importance is highlighted among others e.g. by the UN OHCHR (2016), the Amnesty international (Rishmawi, 2016)

injustice, separated or even segregated from the dominant part of society, and without meaningful involvement in the public and political life of society. (UN OHCHR, 2016)

The term *minority* as used in this work refers to culturally, ethnically, linguistically, nationally, racially, religiously, sexually (etc.) distinct groups which are in a non-dominant position with respect to political decision-making and governance, and are distinguished by limited political participation and representation.

A *specific segment of society*, as perceived by the author of this work, does not reflect any formerly used definition⁷. It refers to other *vulnerable*, often politically, economically and socially disadvantaged and *underrepresented* groups, such as women, illiterate population, people with disabilities, refugees, internally displaced persons (IDPs), citizens living abroad and others, whose participation in elections and representation in the elected bodies is equally desirable since they are also citizens with a right to participate in public affairs and not to be discriminated against. In order to keep the narrative clear and flowing, both categories targeted by this work – minorities and specific segments of society – will be referred to with umbrella terms *minority groups*, *societal groups*, *simply groups*.

1.3 Resources

Despite the fact that the electoral system design requires multidisciplinary approach and the extensive knowledge of wide local context, the essential theoretic basis derives from the knowledge in the domain of the political sciences. In the context of this work, it will be applied to developing regions that are underrepresented in electoral research on a long term basis. The interest of the author in the topics of electoral design and elections, particularly in developing countries and countries in transition was one of the factors influencing the author's choice of the topic. Another factor was the motivation to bring attention to the importance of political development and institutional settings, and to inform the readers about specific mechanisms which are used in this area.

⁷ For example, political scientist Arend Lijphart uses term *segment* in relation to plural society in his theory of Consociational democracy. In his work, the term *segment* often corresponds to *minority* as described above.

Among the resources which were used for setting the theoretical background of this work, belong *Comparative Constitutional Engineering* written by Giovanni Sartori, a specialist in the study of democracy and comparative politics; Donald L. Horowitz's *Electoral systems and their goals: A primer for decision-makers*, Rein Taagepera's *Designing Electoral Rules and Waiting for an Electoral system to Evolve*, or the study on *The classification of electoral systems* by Andre Blais. These works are mostly theoretical, largely reflecting the research realized in the European context from 1970s. Their findings are, however, still valid, recognized and applicable to non-European context as well, and often used in the contemporary studies as a theoretical base. Unfortunately, they provide minimum of practical examples. The author of this work was partly influenced by Arend Lijphart's earlier works presenting his concept of consociational democracy which deals with the issue of divided societies – though it is not directly discussed here.

Jarett Blanc, Aanund Hylland and Kåre Vollaun focused on the research of the State structure and electoral systems in the context of post-conflict situations. Their report introduces the problems present in the post-conflict situations, provides overview of common state structures and electoral systems, specific attention is paid to the group representation. Practically all phenomena are demonstrated on illustrative cases which effectively link the theory with practical use.

Fernand de Varennes' contributions in the area of effective participation of minorities were valuable sources of information about the obstacles to minority representation, as well as useful for getting a wider knowledge about other relevant institutional arrangements such as consultative bodies and dialogue mechanisms. Andrew Reynolds and Ben Reilly are two authors of significant importance of this work. Unlike the majority of the political scientist, they focus their research of electoral systems on the less studied developing regions. Moreover, they deal specifically with topics of divided and post-conflict societies and effective minority representation. Their works are based on the large number of case studies and illustrative examples, and thus provide a comprehensive understanding of the presented issues. Andrew Reynolds also kindly provided examples of the ballot papers used in different parts of the world, which are otherwise rarely available. They are used in the chapter five.

The insight into the use of electoral systems in the world was gained thanks to Dieter Nohlen's multi-volume encyclopaedia of elections in the world and the data from

International Institute for Democracy and Electoral Assistance (IDEA). Data on election results were mainly drawn from the *Inter-Parliamentary Union* database that provides information on the structure and working methods of the national parliaments in 192 countries. Also the *ACE Electoral Knowledge Network* online encyclopaedia covering all key phases of electoral process was a helpful source for the terminology and background of this work.

Since this work specifically deals with elections as a means of realization of political participation, and participation of minorities in particular, the most helpful sources of contemporary knowledge in this field are various publications and guidelines gathering lessons learnt and good practices developed by the international research institutes and organizations, such as *IDEA*, *Organization for Security and Co-operation in Europe*, *United Nations* agencies and others working in the field of democracy and elections, alternatively involved in the election observation. These works are further supplemented by primary sources, such as national legal documents, including constitutions and electoral laws, and international conventions.

When critically assessing the resources relevant and available for this study, the author finds the following obstacles. Firstly, the limited number of authors dealing with the electoral systems in the context of developing regions. This may be given by the complexity of these countries requiring complex knowledge and understanding of their dynamics, but also by the limited primary research and existing data. Secondly, the limited amount of studies realized in the area of minority representations beyond Europe's borders. Many of existing works target the same cases, such as Bosnia and Herzegovina or Lebanon, but a comprehensive study about arrangements in specific African or Asian countries is often impossible. Thirdly, to a certain degree, the existing works provide still the same information, and often bring nothing new. The author is aware of these limitations and will try to avoid using often-quoted examples, and search for less known illustrative cases.

2 The Importance of the Representation of Minorities and Specific Segments of Society

Progressive diffusion of democracy as a system of governance and raising emphasis on compliance with democratic norms and standards, partly as a conditionality of international cooperation and development assistance, place demands, among others, on inclusion and active involvement of minorities into decision-making processes. Reflecting the idea of human rights and rights that minorities are entitled to according to relevant international documents (see below), the minority issues are increasingly more of national and international interest. Not only are there various local and international non-governmental organizations working on minority-related topics, such as the *Unrepresented Nations and Peoples Organization* (UNPO), but minorities are also of concern of the *United Nations High Commissioner for Human Rights* (OHCHR), the *United Nations Development Programme* (UNDP), the *UN Working group on minorities*, the *Organization for Security and Cooperation in Europe* (OSCE), or the *European Union* (EU), and many others. Likewise, the situation of other segments of society reflected in this work, such as women, persons with disabilities, elderly people, illiterate population, etc. (as described later in this chapter) are at the centre of interest of the international community, monitored by UN agencies (the *UN Women*, the *Committee on the Rights of Persons with Disabilities* (CRPD), OHCHR, UNDP, etc.) and other organizations.

Theoretical base for the representation of minorities and other groups can be derived from the theory of *descriptive representation*. A political theorist Hanna Fenichel Pitkin explained this in 1967 as one of the four concepts of representation. The idea behind the descriptive representation is that the elected body should not only adequately represent preferences of its constituents, but also reflect their descriptive characteristics – i.e. geographical features, socio-economic characteristics, ethnicity,

gender, etc. According to this concept, an elected body should mirror the picture of society as whole, and thus represent a kind of a miniature of society. Although, this argument is often mentioned by advocates of measures facilitating representation of women, minorities or other specific groups with common interests, as all theoretical concepts, it has certain limits. With the logic of descriptive representation, interests and needs of rural farmers should be represented by a farmer, young black men by a black male representative of same age, naturalized women of Asian origin by another female representative with the same characteristics, retired catholic ladies by a same-age female believer. The problem here is that we could go on and on, and we would find thousands of particular groups whose voices should be heard. However, by defining such groups we create false sense of certain homogeneity within these groups which do not exist because the characteristics and identities overlap. Furthermore, the capacity of representative bodies is not unlimited, and thus can never be a faithful reflection of society. Besides, descriptive representation can shift the perception of the representatives' performance by assuming that they only pursue the agenda of the group they resemble to. Yet, a gender, racial, ethnical or other resemblance cannot guarantee an adequate representation. For these reasons, it is argued that "*descriptive representation by itself is not useful unless is linked to substantive representation.*" (Canon, 1999, p. 352) Rather than being based on appearance (descriptive), the representation should derive from ideas (substantive). *Substantive representation* moves beyond appearances and focuses on how the representative serves the interests of the constituents. The voters express their preferences and delegate (elect) the representatives to pursue their desires, and their performance is "monitored" by constituents and "evaluated" during next election. In practice, the members of minorities may have particular needs and face different challenges than majority population, being discriminated against and disproportionately affected by poverty or unemployment, having limited access to education or health care, etc. For this reason, the effective representation demands combination of both approaches. (Pitkin, 1967, p. 209-2010; Canon, 1999)

It is also the positive effect on *mitigation of tensions and conflict prevention* which is one of the most common arguments for ensuring the representation of minorities. As Andrew Reynolds, a specialist in areas of democratization, electoral system design, minority rights and ethnic conflicts, says in the introduction of the report *Electoral*

systems and the protection and participation of minorities: "The inclusion of minorities in representative bodies is a necessary, if not sufficient, condition of conflict prevention and longer-term conflict management." (Reynolds, 2006, p. 3) Recent history has brought several examples of countries where poorly managed social diversity led to an outbreak of bloody conflicts and civil wars with hundreds of thousands of casualties. Especially in post-conflict areas, various power-sharing arrangements are often put into practice in order to prevent repeated outbreak of the conflict and to support long-term peace-building efforts and inter-group accommodation. Electoral systems are one of the arrangements, which, when designed deliberately with regard to the specific context and needs, can effectively influence minorities access to decision-making, facilitate broad representation, and influence division of power among societal groups, and thus open way for reconciliation.

The importance of the political institutions, including country's electoral system, for ensuring multi-ethnic accommodation, conflict management and peace settlements can be demonstrated on the cases of Bosnia and Herzegovina or Rwanda. At the beginning of 1990s both countries passed through a bloody ethnic-based conflict with hundreds of thousands of casualties. As a part of peace building processes, new political and electoral provisions were adopted in order to prevent outburst of new conflict. Two different approaches and scenarios were followed: while in Rwanda, the ethnic identity was suppressed in the political area, in Bosnia and Herzegovina the groups were predetermined, firmly set and embedded into all political institutions. With hindsight of 20 years, it seems that the inclusive institutional provisions that were adopted helped to keep both countries in peace. Nevertheless, it is clear that both systems are far from perfect, have important limits and side effects and need to be reformed. For example, in Bosnia and Herzegovina, as a result of the incorporation of group representation into the institutional structure, the societal ethno-nationalistic cleavage was "conserved", hardly helping the inter-ethnic accommodation. The policy of ethnic amnesty in Rwanda aiming to overcome the legacy of the conflict between Hutu and Tutsi, two major ethnic groups, resulted in exclusion and overlooking of rights of the third biggest ethnic group, the Batwa. (UNPO, 2016; UNPO 2012) On the other hand, historical evidence shows that inappropriate provisions of minority issues can be one of the reasons for conflict outbreak, as it was the case of rigid multi-sectarian arrangements established by *the National Pact* in 1943 in Lebanon, which in the course of years culminated tensions and

led to civil war (1975-1990). There are many possibilities for adaptation of political system and its institutions to facilitate representation and inclusion of certain groups, and also an amount of case studies and well-analysed lessons learnt that institutional and electoral designers can build on.

2.1 The International Framework for Minority Representation

The topic of minorities in general got more significantly into the discourse during the last century, respectively in the course of its second half. It was only after the WWII, and closely related to intensifying calls of democratic and liberalization movements, to the subsequent wave of decolonization in 1960s, but also as a result of bloody ethnic-based conflicts and genocides, that *minorities* got to the forefront of international interest. As a result of historical developments, especially colonization, related intensive migration of population, and raising interconnection, every state in today's globalized world has some minority living at its territory. Despite the acknowledgement that minorities and their rights deserve specific attention and protection, the topic continues to be sensitive issue for many countries. Therefore, not even universally accepted definition of minority exists, but consequently, also the international normative documents related to minority issues are scarce.

When setting the grounds for a research in the area of representation of minorities and other groups relevant for this work (as described above), the international conventions, declarations and other documents dealing with human rights and non-discrimination form the base to proceed from. Among the main legally binding conventions belong:

- *International Covenant on Civil and Political Rights;*
- *International Convention on the Elimination of All Forms of Racial Discrimination;*
- *Convention on the Political Rights of Women;*
- *Convention on the Elimination of All Forms of Discrimination against Women;*
- *Framework Convention for the Protection of National Minorities;*
- *Convention on the Rights of Persons with Disabilities.*

infobox 1a: Extracts from relevant international conventions

Convention on the Political Rights of Women (1953)

Article 1: Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article 2: Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3: Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

International Covenant on Civil and Political Rights (1966)

Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Framework Convention for the Protection of National Minorities (1995)

Article 3:

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

Article 15: The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The importance of the topic is further underlined by a number of international declarations (which are not legally binding) and documents dealing not only with human rights in general, but more particularly with rights of minorities, their effective participation and integration. Among other valuable resources are reports monitoring current situation, and guidelines providing recommendation on minority-related issues (see *infobox 2*).

infobox 1b: Extracts from relevant international conventions

Convention on the Rights of Persons with Disabilities (2006)

Article 29: Participation in political and public life: States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;*
- ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;*
- iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice; (...)*

Based on these documents, we can identify *principal rights of all minorities*, understood both as groups and as individuals: the right to participate in public life, the right not to be discriminated against, the right of a minority to be recognized, and basic right to choose whether to be or not to be associated with a minority group. (Reynolds, 2006, p. 3)

infobox 2: Other international documents related to minority participation in electoral processes

- *Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (UN);*
- *Declaration on the Rights of Indigenous Peoples (UN);*
- *Vienna Declaration and Programme of Action;*
- *Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note (OSCE);*
- *Ljubljana Guidelines on Integration of Diverse Societies (OSCE);*
- *Istanbul Document (OSCE);*
- *Copenhagen Document (OSCE);*
- *Report of the CSCE Meeting of Experts on National Minorities (CSCE/OSCE);*
- *Framework Convention for the Protection of National Minorities and Explanatory report (Council of Europe);*
- *Commentary the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and Public Affairs (Council of Europe);*
- *Commentary on the Language Rights of Persons Belonging to National Minorities under the Framework Convention (Council of Europe)*

This international framework is further developed and specified by the national legal provisions set by the Constitution, the Election Law, and other relevant documents. The national legislation in the area of minority rights is equally of high political sensitivity since it influences many areas of public life. As such has to be drafted in respect to specific conditions of a country since solutions for minority issues are difficult to transfer from one context to another. Moreover, “*sometimes even within the same country different minorities need to be treated differently.*” (Müllerson, 2007, p. 71-72)

An example of the Constitution reflecting certain minority questions can be the current *Iraqi Constitution*, which includes parts reflecting country’s plurality, protection of some of minority rights (e.g. languages), as well as provisions for women representation. At the same time, Iraq also demonstrates that despite such provisions, the protection of minorities, and their political representation can be far from sufficient. As stated by UNPO “*One of the most pressing issues facing minorities is the lack of political representation in Iraq’s political system. The government does not provide political representation of the interests or concerns of minorities in the Iraqi state.*” (UNPO, 2013) This is partly the result of shortages in recognition of minorities and government’s prevailing perception of minorities in the religious terms, ignoring ethnic and other bases.

2.2 Obstacles to Effective Representation of Minority Groups

When focusing on political representation of minorities and other societal groups, one has to be aware of the challenges they face in the political sphere. *The Universal Declaration of Human Rights* states in its Article 7: “*All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*” Even though everywhere in the world, the fundamental right not to be discriminated against is alpha and omega of the protection of persons belonging to minorities, members of minorities experience a wide scale of obstacles and discriminatory practices in everyday life. The discrimination can be

direct⁸ and indirect⁹ and exist *de jure* (having a legal background) or *de facto* (as a matter of practice). While direct discrimination is intentional and targeted against certain group or individuals, “*indirect discrimination is more subtle and, therefore, harder to recognize and eliminate.*” (UN OHCHR, 2010, p.8)

infobox 3: Extracts from the Iraqi Constitution (2005)

Article 2 (Fundamental Principles) : "Islam is the official religion of the State (...) This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandeans Sabeans."

Article 3 (Fundamental Principles): "Iraq is a country of multiple nationalities, religions, and sects. (...)"

Article 4 (Fundamental Principles): "The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian shall be guaranteed in government educational institutions (...) The Turkmen language and the Syriac language are two other official languages in the administrative units in which they constitute density of population. (...) Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum."

Article 49 (The Legislative power – The Council of Representatives): "(...) The representation of all components of the people shall be upheld in it. (...) The elections law shall aim to achieve a percentage of representation of women of not less than one-quarter of the members of the Council of Representatives."

Questions of citizenship, voting rights (both active and passive), official recognition of minority status, or legislative framework for political parties fall under the category of *de jure* limitations. Since these are official state regulations based on approved legislation, they are usually obvious and easy to analyse, and as such are often under systematic monitoring of human rights and international organizations and bodies supervising compliance with international conventions. “*Although in principle most human rights are guaranteed to everyone under the jurisdiction of the State, in practice non-citizens, including stateless persons, face obstacles in exercising these rights. These obstacles may be greater still if the stateless person also belongs to a minority group.*” (UN OHCHR, 2010, p.6) Despite being more visible and discussed, these limits arising from national legal framework build significant obstacles to representation of certain groups.

⁸ Direct discrimination is when you're treated differently and worse than someone else for certain reasons. Direct discrimination can be because of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex, sexual orientation. (National Association of Citizens Advice Bureaux, 2016a)

⁹ Indirect discrimination is when there's a practice, policy or rule which applies to everyone in the same way, but it has a worse effect on some people than others. (National Association of Citizens Advice Bureaux, 2016b)

For example, usually, only citizens of state are granted political and voting rights. In this regard, UN OHCHR states that “*A particular problem relating to minorities and citizenship is that all too often members of certain groups are denied or deprived of their citizenship because of their national or ethnic, religious and linguistic characteristics. (...) Such exclusion is often experienced in newly independent States that define citizenship in a manner that excludes persons belonging to certain minority groups who are considered as “outsiders” despite long-standing ties to the territory of the new State.*” (UN OHCHR, 2010, p. 5) This is the case of Nepali population in Bhutan, Muslim Rohingya minority in prevalently Buddhist Myanmar, the Kurdish in Syria, or Banyarwanda minority in Democratic republic of Congo. (Varenes, 2009) However, even groups of minority members can obtain citizenship, they may face many other legal and structural obstacles to participate in the public processes. Regarding the voting rights, the right to cast vote (active right to vote) is granted to citizens reaching voting age¹⁰, and in democratic states there is usually no further limitation on the basis of gender, race, etc. Eligibility criteria for running for office (passive right to vote) are usually stricter than eligibility criteria for active voting, and often require conditions such as certain years of holding citizenship, certain years of residence in the country, religious, ethnic or language requirements, literacy or education threshold, and other requirements which may impose limitations for the minority candidates. (Varenes, 2009) However, according to international standards there should be no unreasonable or discriminatory restrictions (such as too high age limit, gender requirements, racial restriction, etc.). Rules guiding the system of political parties play also an important role, since they may effectively limit minority participation by banning political parties based on specific identity (religion, ethnicity, etc.) Another issue is the question of official *recognition* of minority groups that is, as mentioned above, very sensitive for many countries. For various historical, political and other reasons certain groups may not have official acknowledgment of minority status, thus are set aside from special treatment or protection, or even deprived of internationally recognized rights of minorities.

The practical obstacles (*de facto* limitations) reflect characteristics and particularities of the country and its population; and can be consequences of

¹⁰ Some states extended voting rights further, e.g. to permanently resident non-citizens. In the elections of Riga City Council, the right to vote belongs besides City’s residents with Latvian citizenship, also to “*citizens of the European Union who are not citizens of Latvia but are registered in the Register of Residents*”. (Riga municipality, 2016) On the other hand, this provision excludes large minority of residents with Russian citizenship.

geographical, demographic, bureaucratic and other factors. While immigrants or members of unrecognized minority groups can face challenges related to acquiring citizenship, the problems with accessing and use of identity *documents* can concern citizens of the state as well. People living in remote areas, illiterate population, internally displaced persons, refugees and others can have problems with partially destroyed or expired IDs, and subsequently can be prevented from voters' registration and exercising the right to vote. The issue of *illiteracy*, for example, is not that common in the European context, but is very relevant for some developing countries which have to take special measures in the administration of elections or in the ballot design (see chapter 5). Uneducated or illiterate population can face obstacles in understanding political and electoral processes or reading the lists of candidates and the ballots, they can also have problems with accessing information about political parties and candidates.¹¹ People speaking unofficial or unrecognized *languages* can face similar problems when electoral documents are not issued in the language they understand. Another obstacle can be physical *accessibility* of polling station, which can be an issue for elderly people or persons with disabilities, but also for people living in too remote, poorly accessible areas, or who would have to pass through unsecure areas to get to the polling station.

For this work a very relevant and important indirect *de facto* obstacle – is group underrepresentation resulting from the electoral system performance. This is more discussed in the chapter four, especially in relation to plurality and majority systems; e.g. First Past the Post is often discussed in the context of minority representation.

We have outlined the theoretical base for the representative democracy, set by two main approaches – descriptive and substantive representation – and summed up their strong sides and limits. The review of existing international documents and conventions proved that the representation of minorities is an important issue which deserves international attention. It has also made clear that “*in legal and political terms a State has a responsibility to work towards ensuring the effective participation of minorities that would otherwise tend to be excluded from having much input of influence in public*

¹¹ Interesting insight into practical obstacles related to elections offers Cristi Mihalache's (2004) article *Obstacles to the Participation of Roma in Elections in Romania*.

matters." (Varennnes, 2007, p. 59) This can be achieved either by some kind of dialogue mechanisms and consultative bodies, such as round tables and minority councils, or by the rules of the political competition and institutional arrangements, including the setting of electoral system.

3 Elections

For most people living in democratic countries or countries in transition towards democratic system of governance elections are inherent part and one of the main characteristics of democracy. As expressed in the methodological language of the political science: elections are indispensable (but not sufficient) condition for, and a feature of democracy.

Even if individuals are not significantly active in public sphere, and do not will to express their opinions publicly through engagement in interest associations or membership in political parties, nor during public discussions, campaigns, or manifestations, they are periodically asked to express their attitude, preferences and to choose their representatives for public offices through ballot box.

Historically, the instrument of elections appeared as a solution for decision-making and expressing attitude of population at the moment when the community was too large for *direct democracy*, i.e. to be able effectively meet in one place, allow everyone express their opinion, discuss and then decide directly. Use of elections in the form that we know today – as a mechanism by which population choose its representatives for public offices – goes back to 17th century when modern *representative democracy* was born. However, at that time the suffrage was limited only to privileged and propertied men, and it took almost three centuries of gradual reforms to develop into universal suffrage that is a standard in most of the today's world. (Eulau, 2016) Competitive mass elections have rooted into political institutions in Western Europe during 19th and 20th centuries, from where they were introduced gradually throughout most of the world. In this sense, the era of colonialism and imperialism and influence from the metropolitan powers shaped to large extent future political institutions and electoral systems of many former colonial countries.

“In recent decades elections by universal suffrage have been introduced in many countries where there is no rule of law, accountability, or strong institutions of civil society. Today, almost all countries apply elections, regardless of whether their political system is democratic or not.” mentions political scientist and specialist on elections Dieter Nohlen (2010, p. 2). In their essence, these elections are non-competitive because voters do not have a free choice between at least two alternatives. In practice, all but one party may be forbidden to contest, candidates are restricted from running for office, the electoral competition is not equal and fair, or the electoral situation is in other respects highly compromised. This was the case of most of former communist countries of Eastern Europe, of authoritarian Portugal 1933-1974, Baathist Iraq, Lukashenko’s Belarus. Outstanding contemporary examples of non-competitive elections are communist one-party states Cuba, People’s Republic of China and Democratic People’s Republic of Korea. Apart from these, political competition is limited and regularly accompanied by controversy in many other countries. Looking just on the legislative elections held in 2015, we could mention general elections in Azerbaijan, Burundi, Egypt, Ethiopia, Myanmar, Sudan, or Turkey that were characterized by various controversial practices and significant shortages reported by election observation missions. Among the commonly reported irregularities we can find boycott of elections by the opposition, jailing the opponents, intimidation, restricted ability to campaign freely, violence during the election period, lack of freedom of speech, but also a very low voter turnout.

Although in most common perception, elections are closely linked to democracy, in its core the election is a *method* to choose, without being a bearer of democratic value. The institute of elections is, however, linked to much more functions than just *selection between options*. This also partly explains why also authoritarian and dictatorial regimes tend to organize “show” elections which give no real space for choice and alternation in power.

3.1 Functions of Elections

When describing functions of elections, we should start from the main idea behind the institute of elections. H. F. Pitkin defines elections in two ways: *“first, in technical terms as instruments for forming institutions or choosing individuals for office; second, in*

axiological terms as instruments for democracy, which enable political participation and involve citizens in political decision-making processes by allowing them to choose representatives and governmental authorities to ensure their systematic responsiveness to matters of public interest and opinions." (Pitkin, 1967, p. 234). This is an often quoted definition which already bears notion of functions inside, and for our purpose it constitutes a base we can further elaborate on.

Expanding on this, first, elections as *a method of selection* enable voters to choose their representatives in public bodies. Second, apart from its constitutive function, elections work as *a control mechanism* which contributes to maintenance of democracy. Periodically organized elections together with mandate which is limited in time by law not only solve the problem of succession, but also make possible to hold leaders accountable for their performance in office. Thus, third, elections *legitimize the acts and performance of leaders*. In this regard, the CSCE/OSCE States declared that "*the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.*" (The Copenhagen Document, 1990) For this reason, even authoritative regimes and dictatorships organize non-competitive elections which for appearance's sake give them legitimacy before citizens and international authorities.

Fourth, genuine electoral process *facilitates public debate* and boost expression of public opinion on public issues during campaigning. In other words, "*elections serve as forums for the discussion of public issues*". (Eulau, 2016)

Fifth, in a same time, elections and surrounding campaign reflect important public issues. Topics addressed by candidates during their campaign determine the discourse of elections and key lines according to which the electorate will decide. Electoral results, thus, *set to large extent the agenda* for future government and put on the table the issues that need to be dealt with.

Sixth, another purpose and effect of elections is an *institutionalization of the diversity* that exists in country. Elections may be a powerful instrument ensuring participation of different groups and managing diversity, which is specifically relevant for this work. (UNECA, 2013)

Seventh, elections have also an important function of *strengthening political community* and building common identity. They reinforce sense of belonging, remind common experience and shared issues, relate citizens to each other, and thus enhance

social cohesion. (Webb, 2016) Furthermore, in many countries, elections are also a sort of *social event* with certain cultural dimension, as can be seen in many reportages from African or Latin American countries¹². Elections evoke strong emotions, bring people to the streets, make them raise national symbols, sing and dance to support their candidates and to stand against their opponents.

Eighth, possibility to express one's favour and allegiance, or vice versa alienation from the political community open space for *self-expression* and *personal fulfilment*. "*For precisely these reasons, the long battle for the right to vote and the demand for equality in electoral participation can be viewed as the manifestation of a profound human craving for personal fulfilment.*" (Webb, 2016) Not only partisanship, active engagement in campaign and public discussion, running for office, or act of voting, but also a decision not to get involved and not to vote shows individuals attitude.

3.2 International Standards and legal framework for the Conduct of Elections

International standards for the conduct of elections are a wide array of normative standards to support, protect and promote democratic governance and human rights in the framework of electoral process. These standards are not defined in a single one widely accepted document. They are rather a set of principles based on various international legally binding documents, which are further supplemented by other international and regional treaties, political commitments, internationally agreed principles of good practices adopted by governmental and non-governmental organisations, reports from election observation missions and other sources.

The base is set by the primary sources, such as widely approved international declarations and conventions on human rights¹³ and other international and regional documents relevant to minority and group representation (see *infobox 4*).

¹² This can be seen, for example, on the background of the documentary film *Incorruptible* which maps situation around elections and transfer of power in Senegal in 2012. It was directed by Elizabeth Chai Vasarhelyi and released in 2014.

¹³ The following list was made as a compilation of primary sources related to electoral standards listed in IDEA's *International Electoral Standards – Guidelines for reviewing the legal framework of elections* (2002) and references mentioned on *International Standards for Elections* website of the OSCE's Office for Democratic Institutions and Human Rights (<http://www.osce.org/odihr/elections/66040>).

infobox 4: Documents relevant to minority and group representation

International declarations and conventions on human rights

- *The Universal Declaration on Human Rights (1948);*
- *The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950 and its Protocols);*
- *The International Covenant on Civil and Political Rights (1966);*
- *The Convention on the Elimination of All Forms of Racial Discrimination (1965);*
- *The Convention on the Elimination of All Forms of Discrimination against Women (1979)*
- *The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe (1990);*

Other international and regional documents

- *The American Declaration of the Rights and Duties of Man (1948);*
- *The American Convention on Human Rights (1969);*
- *The African Charter on Human and People's Rights (1981);*
- *The European Charter of Local Self-Government (1985);*
- *UN Committee on Human Rights, General Comment 25, The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (1996);*
- *International Standards and Commitments on the Right to Democratic Elections: A Practical Guide to Democratic Elections. OSCE ODIHR Draft Paper (2000);*
- *Existing Commitments for Democratic Elections in OSCE Participating States, a Progress Report – A progress report on a project initiated by the OSCE/ODIHR to establish an inventory of existing election-related norms, commitments, principles, and "good practices" (2003);*
- *Declaration of principles for international election observation and code of conduct for international election observers (2005)*

These documents are further supplemented by other relevant legal documents of which the country is a signatory and by country's legal framework which should, among others, take into account the requirements of any international instruments and organizations to which the country is a party (i.e. international integration organisations such as the European Union, the Organization of American States, the Commonwealth of Independent States, the OSCE, the Council of Europe, etc.). (IDEA, 2012; OSCE ODIHR, 2010) "*When reviewing a country's legal framework, all related legislation (such as the constitution, civil and criminal codes, nationality and citizenship laws, laws relating to the media, etc.) need to be consulted and analysed to ensure that they do not conflict with one another and that they do meet international standards.*" (IDEA, 2012, p. 9) The types of sources establishing the legal framework for conduct of elections, as well as the relevant responsible authorities can be seen in the well-arranged chart developed by IDEA.

Finally, other documents, such as election observation reports, various manuals developed by IOs and NGOs, etc., identifying good practice in the administration of genuinely democratic elections in line with international standards can provide a useful base, inspiration and practical guidance, although they are not legally binding (see for example OSCE ODIHR, 2010; IDEA, 2012; European Commission, 2008)

Moving from the theory to practical implementation, these standards apply throughout the whole electoral cycle, which covers the pre-electoral period, the campaign, the polling day, and also its aftermath. The fulfilment of the standards is usually monitored by international election observation missions.

Table 1: The legal framework for elections

Type of legislation (source) dealing with election	Formal authority	Flexibility
Constitution	Constituent assembly, or the Legislature exercising its constituent powers	More difficult to amend, requiring debate and decisions often with special majorities or special procedures.
International peace agreement	The high contracting parties to the peace agreement	An amendment can normally be done only if all high contracting parties to the peace agreement unanimously agree.
Electoral Law	The legislature	Normally requires a simple majority to amend, easier to amend than the constitution.
Other legislative acts dealing with other aspects of elections	The legislature	Normally requires a simple majority to amend, easier to amend than the constitution.
Rules and regulations	The government department (executive)	The government department concerned can amend these regulations, subject to possible confirmation or veto by the legislature.
Instructions and directives	The electoral management body (EMB)	Flexible: the EMB can change these to achieve the desired objective.
Codes of conduct for political parties, for election officials and for election observers	Regulatory bodies such as EMB or political parties or non-governmental organizations (NGOs)	Normally these codes are not a part of the formal legal framework; can be amended by consensus amongst the political parties or the responsible regulatory body or NGO, outside the purview of either the legislature or the executive.

Source: IDEA, 2002, p. 12

3.3 The Main Features of Democratic Elections

To be labelled as democratic, “elections must meet some essential requirements, first with regard to the people’s involvement in terms of suffrage and choice, second to the surrounding political conditions, and third to the effects of the electoral results with regard to the power structure.” (Nohlen, 2010, p. 2) Based on the widely accepted international standards for elections as described above, the genuinely *democratic elections* should be held *periodically*, guarantee *universal* adult suffrage with a use of *secret* ballot, be *free*, *fair* and *equal* (i.e. respect the principle of one person one vote). D. Nohlen (2010, p. 2) adds that democratic character of elections is also given by the freedom to choose between competing candidates standing for different platforms or ideologies (elections should be *competitive*), and the openness of the electoral results and acceptance of any electoral outcome by all participants. These characteristics were confirmed by the participating states of the *Organization for Security and Co-operation in Europe* (OSCE) that met in Copenhagen in 1990 and agreed on commitments specifying the genuinely democratic elections are based on seven key words: universal, equal, fair, secret, free, transparent and accountable.” (CSCE/OSCE, 1990; OSCE ODIHR, 2010, p. 7) The final *Copenhagen Document* is often quoted among main sources when talking about principles of democratic elections. These principles are also in compliance with African Union members’ commitment to regularly hold *transparent*, *free* and *fair* elections in accordance with the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (2002) which states that “Democratic elections should be conducted: (a) freely and fairly; (b) under democratic constitutions and in compliance with supportive legal instruments; (c) under a system of separation of powers that ensures in particular, the independence of the judiciary; (d) at regular intervals, as provided for in National Constitutions; (e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics. (African Union, 2002)

These minimum international standards are supplemented by additional requirements based on the national legal framework, which is made up by the constitutional provisions, the specific electoral law and general legislation, as well as on the adherence to international organisations and treaties. Consequently, for some

countries, e.g. Member States of the EU, the requirements are more comprehensive and stricter.

This can be demonstrated by the *Guidelines for the EU Election Observation Mission* which sums up criteria that are being assessed in order to evaluate if the elections meet so called *best practice for democratic elections*. To illustrate the requirements, it is worth mentioning at least these:

- *“there is transparency in the electoral process;*
- *the election administration acts in an effective, impartial, independent and accountable manner;*
- *there is equal access for candidates and political parties to state resources;*
- *there is equal access for candidates and political parties to, and balanced coverage by, any state or publicly funded media;*
- *the electorate is informed of its rights through civic and voter education programmes;*
- *and there is a peaceful atmosphere – free from violence, intimidation or reprisal – for candidates and parties to campaign and for the electorate to vote.”* (EC, 2008, p.15)

Some of the above listed principles deserve our closer attention since they are particularly relevant for the topic we are dealing with. Starting from the universal suffrage, i.e. the requirement that all citizens should be given the right to vote and to stand for office, even though there might be certain reasonable and clearly justified legal restrictions. (OSCE ODIHR, 2013, p. 19) Right to vote is usually limited by minimal age (often 18, 21 or 25 years) or residence requirement. Cases of voter’s ineligibility to vote include insanity or mental illness, imprisonment, conviction of (serious) crime, and sometimes active officers of armed forces, judges or civil servants in general cannot participate in elections during their service.

Legal framework should be non-discriminatory and ensure that no societal group is excluded or marginalized in the electoral process. The potentially vulnerable groups include minorities, women, persons with disabilities, internally displaced persons and refugees. (IDEA, 2002, p. 6; OSCE ODIHR, 2013, p. 18-23) OSCE explicitly says that *“there should be an effective, impartial, non-discriminatory, inclusive and accurate voter-registration procedure that ensures all eligible citizens the right to vote. There should be no restrictions on voting by persons belonging to minorities, by women or by other groups of adult citizens. All voters, including the disabled, should have effective and easy access to polling stations or other voting procedures. There should be provisions for voting by internally displaced persons.”* (OSCE ODIHR, 2010, p. 23) Besides, question of

enfranchisement of citizens living abroad can be particularly important in the context of countries that have large part of expatriate population, such as Jordan, Moldova, Philippines, or Singapore or many of Arab peninsula states, or in case of refugees or people displaced in a consequence of conflict. Although these people do not (temporarily) reside within the country, they do not lose their citizenship nor citizen rights, including the right to participation in public affairs. They may also pay taxes in their home country, and thus should have right to influence country's policies and public expenditures.

Voting by secret ballot is a method of anonymous expression of choice, which should prevent or at least limit potential efforts to manipulate the voter or "vote buying". In this regard, also the ballots are designed with minimal requirements on use of extensive handwriting in order to prevent anyone from linking voter to ballot which should be kept untraceable. Marking and casting ballot should be done in the privacy of a voting booth by the voter alone in order to keep the election secret and free. Good international practice allows exceptions "*under specified conditions, such as at the request of voters who require assistance*", e.g. illiterate voters, persons with disabilities, etc. (OSCE ODIHR, 2010, p. 23) Some countries also allow voting by proxy, i.e. to appoint a trustworthy person to cast the vote on her/his behalf (see chapter 5.3.5.2).

We have outlined the main idea behind elections, the main features of democratic electoral process, as well as functions of elections and their importance for democratic governance. To sum it up, "*a genuine election is a political competition that takes place in an environment characterized by political pluralism, confidence, transparency and accountability*". (OSCE ODIHR, 2010, p. 13-14) During all stages of election process, basic human rights and freedoms are respected, non-discrimination and equal rights and treatment of all citizens are ensured. Despite the absence of a single widely accepted document encompassing international standards for conduct of genuine elections, and national legislation differing country to country, the good practice says that "*the legal framework should be so structured as to be unambiguous, understandable and transparent, and should address all components of an electoral system necessary to ensure democratic elections*". (IDEA, 2002, p. 11) Having in mind that it is a legal base and

international standards, which together with a wide historical, socio-economic and political context of the country, and specific democratic characteristics, establish a ground for a work of electoral designers, we will move to reflect on available electoral engineering choices which are relevant for representation of minorities and other societal groups.

4 Electoral Systems

Among the most important choices that have to be made by post-conflict societies, or when a new state come into existence and institutions are being established, is the selection of electoral system. Electoral system has broad consequences for the country's political life as well as for a form of political institutions, and therefore it influences country's future to a large extent. Pippa Norris even says that "*electoral systems represent perhaps the most powerful instrument available for institutional engineering with far-reaching consequences for party systems, the composition of legislatures, and the durability of democratic arrangements.*" (Norris, 2002, p. 207) Once the electoral system is chosen, it often remains unchanged for long years or undergoes just minor changes, such as adjustment of unsuitable provisions or dealing with unexpected undesirable side effects (e.g. party system fragmentation, limits to representation of small parties, large amount of wasted votes¹⁴, significantly disproportional results, etc.)

There is no perfect electoral system that fits every democracy. Each country has its own specific historical background, demography, geography, institutions, etc. Therefore also the electoral system should reflect the country's context and particularities. While for some countries, the desirable effect of electoral system is a stable government which is able to make decisions, in new democracies, socially diverse societies and countries overcoming a deep conflict the emphasis is often placed on the inclusion of all significant actors in the parliament. Also the fact that one system works perfectly and has deserved effects in one country does not ensure that it will bring the same results in another country. Although there is no international preference for a particular kind of electoral system, there is "*an increasing recognition of the importance of issues that are affected by electoral systems, such as the fair representation of all citizens, the equality of women and*

¹⁴ Wasted votes is an expression for all votes which are valid, but are not cast for a winning candidates.

men, the rights of minorities, special considerations for the disabled, and so on." (ACE, 2016b)

Electoral system should be carefully selected for a specific framework. (Norris, 2002, p. 209) However, it does not mean that a completely new system has to be made-to-measure for every country. New democracies can learn from previous experience of other countries and build upon their well-established (or on the contrary from not well proven) practices. Decision should always be made with a respect to the fact that it is a long-term choice and not just a temporary solution since it takes several elections for a system to settle and for electors to get used to it and understand how the system works.

4.1 What Electoral Systems Are

When talking about electoral systems, we should first make clear what the meaning and purpose of electoral system is. This can be challenging as it seems since there is not a single one widely recognized definition. For majority of the voters, electoral system is a mechanism that translates preferences expressed on the ballot into mandates in representative institutions, which can be a parliamentary body, local government, municipality administration, president office, but also academic senate at universities, or company's board of directors, etc.

However, various political scientists and organizations dealing with elections understand and define electoral systems in various ways according to what they personally perceive important. Donald L. Horowitz describes the nature of an electoral system simply as *"to aggregate preferences and to convert them into electoral results"*. (Horowitz, 2003, p. 2) Andrew Reynolds describes that *"Electoral systems are tools of the people. They are the institutions used to select decision-makers when societies have become too large for every citizen to be involved in each decision that affects the community."* (Reynolds, 2007, p. 42) According to ACE Electoral Knowledge Network, electoral system is *"a very specific catalogue of norms and procedures used in an election to decide how to choose those who will hold the positions in dispute"*. (ACE, 2016b) On the other hand, *Glossary of Voting and Democracy Terms* provides a very narrow definition of electoral system: *"That part of the electoral rules which determines electoral outcomes;*

chiefly, the electoral formula¹⁵, the ballot structure, and district magnitude." (Fair Vote, 2016) Nevertheless, it would be misleading to perceive electoral systems in their narrow sense only as an electoral formula, because they are much more complex.

In a more comprehensive definition, electoral system is a set of rules which determines everything about how the elections in a country are organized. It regulates who has the right to vote and the right to be elected, in what interval and which day in a week elections are held, as well as the way that electoral campaign is conducted and financed. Electoral system equally influences if the electorate casts votes for parties or personalities and if votes are translated to mandates proportionally or not, and many other technical details. In other words, "*electoral systems define and structure the rules of the political game; they help determine who is elected, how a campaign is fought, the role of political parties, and most importantly, who governs.*" (IDEA, 2015)

Extensive consequences of electoral systems (*mechanical effects*) can be shown on hypothetical simplified situation when elections which under the same conditions (each voter casting the same vote, parties winning the same number of votes) would produce two different results according to the system used. While the system of proportional representation would probably allow representation of several parties in the parliament and would lead to a coalition government, under plurality-majority system a single party government would come into power. However, it should be said that this is not a rule, but rather a tendency depending on several factors, including the size of electoral district, the formula, the threshold, and the character of vote counting.

Moreover, electoral systems have also so called *psychological effects*. In practice it means that to a large extent the way the electoral system functions can even influence the way people vote. Electoral behaviour aims to maximize the profit and to minimize the lost and thus is often tactical, i.e. a voter may decide not to vote for the truly preferred candidate, but rather for other suitable candidate whose chances to be elected are more realistic. (ACE, 2016b) As such, the electoral systems influence a wide range of elements that make up the political character of a society. Regarding this, Rein Taagepera even underlines certain time dimension and process of adaptation when he says that "*an electoral system emerges when the electoral rules have become embedded in*

¹⁵ The electoral formula is one of the system variables which affects the translation of votes into seats. It is based on the type of the electoral system, and on the type of mathematical formula used to calculate the seat allocation. Douglas Rae identifies three kinds of formula: majority, plurality, and proportional representation. Some authors also add semi-proportional systems. (Blais, 1988)

a political culture where actors have acquired reasonable skills in handling the electoral rules for their enlightened self-interest.” (Taagepera, 2002, p. 248) This complies with worldwide experience showing that electoral system needs some time to “settle” – i.e. time for the voters and system stakeholders to get familiar with its mechanisms and effects – to fully show its potential to work effectively.

4.2 Where Does Electoral System Originate?

A brief look at the history of electoral systems used in the world and their performance reveals it is rather rare that the system was deliberately chosen with a consideration to the country’s particular context. Basically, several ways in which the electoral systems are adopted are described in literature (Reynolds et al., 2005, p. 15, Reilly, Reynolds, 1999, p. 23, ACE, 2016b).

First, the electoral system can be a result of a conscious design. This is not a new phenomenon, since the electoral engineering and gradual reform of electoral systems has been going on in Europe since the beginning of 19th century, namely spreading from Britain. Ben Reilly and Andrew Reynolds (Reilly, Reynolds, 1999, p. 24) state it seems that the enthusiasm for electoral engineering corresponds to three waves of democratisation in the world as described by Samuel Huntington (1828-1926, the decolonisation decades after WWII, and a decade starting at 1989). Especially the last decades and emergence of new democracies in 1990s are marked by a widespread electoral design debate, employment of expert commissions (UK, Fiji, Mauritius), involvement of citizens, and consequently by many made-to-measure electoral solutions. In this regard, particularly innovative design and solutions have been often developed beyond Europe, in many cases driven by efforts to encourage inter-ethnic accommodation in societies divided by ascriptive identities (e.g. Fiji, Sierra Leone). (Reynolds, 2007, p. 43)

Second, the system can be inherited from colonial or occupying administration. This is very common case, since most of former colonies kept the electoral system imported by the Western powers after gaining independence. Although, the historical and socio-political context in Britain, France, Spain, or Portugal was very different from the one in the colonized countries and the imposed electoral system could hardly

respond to their needs, we can find these examples all around the world, from Latin-American countries, through African continent, Asia to Small Island states in the Pacific. For example, Ghana, Nigeria, Tanzania, India, Bangladesh and (partly) Pakistan have kept using First Past the Post (FPTP) imported by British colonizers, while Mali, Mauritania, Togo, Republic of the Congo got influenced by French two-round system. Most of Spanish-speaking countries use List Proportional Representation as in Spain, and likewise List PR is common for all seven Lusophone countries Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Sao Tome and Principe and Portugal. Finally, even Ukraine maintained for many years unsuitable two-round system inherited from the Soviet era. (Taagepera, 2002, p. 250; Reilly, Reynolds, 1999)

Third, the electoral system can be imposed from outside; either by external powers (as it was the well-known case of West Germany)¹⁶, or by the groups responsible for post-conflict reconstruction (e.g. the current cases of Iraq and Afghanistan where the system was imposed by the Western coalition authorities (Reynolds et al., 2005, p. 15).

Fourth, the electoral system can emerge from peace process negotiations seeking to end the war, to bring reconciliation and to mitigate the social division. Widely discussed case belonging to this category is Bosnia and Herzegovina and its current political and electoral system reflecting the *1995 Dayton Agreement*, which brought the country peace after more than four years of bloody war (Kasapović, 2010, p. 321-329). Another well-known case is the end of apartheid in South Africa. (Reynolds et al., 2005, p. 62-65)

Fifth option highlights the fact that many choices made in the area of the electoral system design did not necessarily bring intended effects. Often, the changes are rather coincidental, or arise from the process of evolution and social dynamics, and thus can eventually bring effects (both positive and negative) beyond those intended. In this regard interesting is the case study of Jordanian electoral reform in 1993. It not only brought intended improvement of minority representation, but at the same time also access of Islamists to the parliament. (Reilly, Reynolds, 1999, p. 23-27)

¹⁶ Reilly and Reynolds (Reilly, Reynolds, 1999, p.25) mention also the case of Namibia and the parliamentary elections held in 1989. The process was facilitated by the United Nations Transition Assistance Group (UNTAG), the peacekeeping force established by the UN *resolution 632 (1989)* of 16 February 1989 to ensure the early independence of Namibia through free and fair elections. The elections constituted the Constituent Assembly of Namibia and the independent state of Namibia joined the United Nations in April 1990. (UNTAG, 2001)

4.3 Designing the Most Convenient Electoral System

Although this work focuses primarily on electoral system variables and mechanisms for minority representation, and does not deal with the design process itself, a short introduction into this area is worth making in order to give at least a basic idea of its complexity.

In spite of the political scientists' different personal preferences and advocacy for various electoral systems, there exists a wide agreement that the choice of electoral system is one of the key decisions that all new-born states, new democracies and post-conflict societies have to make when designing their institutions. Electoral system sets fundamental rules of the political "game" and has wide consequences for establishment and development of stable democratic society.

The authorities responsible for electoral choice have to be aware that the performance and effects of every electoral system depend on a set of factors which are unique for every country. *"Although there are some common experiences in different regions of the world, the effects of a particular type of electoral system depend to a great extent on the socio-political context in which it is used."* (ACE, 2016b) In this regard, Rein Taagepera (2002, p. 254) even says that *"electoral systems cannot be exported, only electoral rules can."* Furthermore, the importance of this choice is even more obvious with the evidence from around the world showing that once the electoral system is chosen, it tends to remain for decades, rather than being often alternated or extensively reformed. (Reilly, Reynolds, 1999, p.23,) Therefore, the process of electoral system design should be deliberate and respond to the country's historical and socio-political context and particular needs.

When designing electoral system, key questions that should be asked at the very beginning of the process include: *What should the legislative and executive bodies look like? What objectives should the electoral system achieve? Which effects of the electoral system should be avoided?* and many others. (Horowitz, 2003; ACE, 2016b) As already said, there is not a universal electoral system that would effectively fulfil the needs of every country. Therefore when searching for the most convenient electoral system, we should above all decide with respect to a wide national context. Moreover, there is another criteria and that is a compliance with principles of International standards for conduct of democratic elections, as discussed in the previous chapter, which should

constitute the base on which every electoral system is built. Besides these normative requirements, there are other criteria related to system's performance which should the optimal system meet.

Nevertheless, as in many other areas of electoral studies, there is not a common agreement on a "menu" of objectives that designers can aim to achieve. While Jarrett Blanc et al. identified 14 specific criteria which a good electoral system should meet, IDEA and ACE Network list only ten and D. L. Horowitz only six (see *infobox 5*). When we merge these different criteria, we will get a list with 11 characteristics that an optimal electoral system should fulfil:

1. Create representative assembly;
2. Facilitate stable and efficient governments;
3. Support accountability of the government as well as of the elected representatives;
4. Be generally accepted by the parties and the public;
5. Be simple for the voters;
6. Be simple for the election administration;
7. Provide incentives for conciliation;
8. Encourage political parties to be based on broad political values and programmes;
9. Resist tactical behaviour;
10. Promote legislative opposition;
11. Be sustainable.

We are not going to discuss all of these criteria in deep, only those closely connected to minority and group representation will be briefly explained. By *creating representative assembly* (2) it is meant that the elected body should be able to effectively represent interest of the constituents (citizens) and respond to their desires and needs. Electoral system should also *support accountability of the elected representatives* (3) which means that the representatives are responsible for their performance, are continuously "monitored" by attentive citizens and evaluated during the next election. Accountability can be facilitated by closer (geographic) relation between voters and their elected representatives. A clear linkage between elected deputies and their electoral districts (the people they represent) enables control of the populist representatives and those who do not follow their campaign promises. In the same way, voters should be able to influence the shape of the government or eventually its alternation through elections, and thus equally *support accountability of the government* (3). The condition that the electoral system should *be generally accepted by the parties and the public* (4) is important in divided societies

and post-conflict environment. If one segment of society feels particularly discriminated by system institutions, including elections, the frustration can represent a source of tensions within a society which can escalate into a latent or open conflict in future. Furthermore, the system should reflect the capacities of the electorate and be designed in a way that the voters can understand how it works and can easily cast a valid ballot (i.e. *be simple for the voters* (5)). At the same time, the system should reflect the available capacity for administration of elections, and thus especially in countries with limited human and financial resources *be simple for the election administration* (6). Simplicity in general is one of the guiding principles in electoral design. Keeping the rules simple enables achieve that the system is understandable for electorate and the resources needed for election administration are reasonable. Another reason is that “*in case of highly complex electoral rules (...) any degree of rational predictability vanishes.*” (Taagepera, 2002, p. 257) Particularly in post-conflict societies, well-chosen electoral system can be also a tool of a conflict management. Some systems *provide incentives for conciliation* (7), for example by encouraging parties to appeal for a broad support by *being based on broad political values and programmes* (8), and thus contributing to inclusiveness. (Reynolds et al., 2005; Blanc et al., 2006)

However, we should always be aware that a necessity to make trade-offs between number of criteria and effects is an integral part of the electoral design process. Some criteria are mutually compatible, while others can be even contradictory. Even if one knows what should be achieved, the choice is always made among the alternatives, all of which have some undesirable effects. Furthermore, it is getting more complicated at this point since various theoreticians, experts and politicians prioritize different qualities of electoral systems and also some criteria are more preferable than others within given context. Some criteria can be particularly important in certain situations, e.g. in post-conflict elections it is important for the system to lead to inclusion, to support dialogue and conciliation; while in countries with high illiteracy it is the simplicity which is a key factor; and established democracies often prefer the system that facilitates creation of stable and efficient government. It might also be desirable to strengthen regional linkage of representatives and to give voters more space to express their preference for candidates, but this may make the system, as well as ballot paper, complicated to

understand for less-educated voters and may be demanding for the administration of elections as well. Therefore, prioritizing criteria – by considering both objectives that should be achieved and effects that need to be avoided – is a necessary part of the process. We should also keep in mind that no system is truly neutral and that every combination of objectives of the electoral system creates a unique set of biases. Those who are involved in the procedure of the system design choose to prefer one set of biases over another. (Horowitz, 2003; ACE, 2016b)

infobox 5: Possible objectives that can be aimed at during the design process

10 criteria for design according to IDEA

1. Providing representation; 2. Making elections accessible and meaningful; 3. Providing incentives for conciliation; 4. Facilitating stable and efficient government; 5. Holding the government accountable; 6. Holding individual representatives accountable; 7. Encouraging political parties; 8. Promoting legislative opposition and oversight; 9. Making the election process sustainable; and 10. Taking into account “International standards”.

(Reynolds et al., 2005, p. 9-14)

14 specific criteria according to J. Blanc, A. Hylland and Kare Vollan

1. Create representative assemblies; 2. Support accountability of the elected members; 3. Support stable governments; 4. Give equal weight to each voter; 5. Resist tactical voting behaviour; 6. Be simple for the voters; 7. Be simple for the election administration; 8. Be generally accepted by the parties and the public; 9. Promote conciliation among different groups; 10. Promote cross-community parties; 11. Promote dialogue and compromise; 12. Be robust against changes; 13. Respond logically to changing support; and 14. Be sustainable.

(Blanc et al., 2006, p. 39-41)

6 possible goals according to D. L. Horowitz

1. Proportionality of seats to votes; 2. Accountability to constituents; 3. Durable governments; 4. Victories of the Condorcet winners; 5. Interethnic and interreligious conciliation; 6. Minority office-holding.*

(Horowitz, 2003, p. 3)

**The Condorcet winner is the candidate who would receive a majority of the vote in a paired or head-to-head contest with each and every other candidate. The Condorcet winner is obviously the more popular candidate, whose victory, it is thought, ought to be preferred.*

Above described electoral system design criteria can be achieved by different combinations of variables which are present in every electoral system. They include:

- electoral system family and type;
- district magnitude;
- the procedures for drawing electoral boundaries;
- the relative role of political parties and candidates;
- the electoral registration mechanisms;
- the form of the ballot paper; and
- the timing and synchronization of elections. (ACE, 2016b)

These variables can be supplemented by other special provisions such as quotas, reserved seats, a formal threshold, a remote voting, etc. which are specifically relevant for minority representation, and as such will be further discussed in the following chapter. However, not only will these variables work differently in various combinations, their effects and performance of the system in general will, above all, depend on specific national context and circumstances, including general institutional framework and demographic characteristics.

To sum it up, electoral designers should always take into account the wide context of the country, be aware of desired objectives as well as of those that need to be avoided, carefully consider all trade-offs, and when putting together the electoral system they should try to keep it simple, consider also aspects like financial and expertise costs, and maximize use and adaptation of previous practice and lessons learnt from similar contexts rather than making brand new electoral rules with unknown effects. (Taagepera, 2002)

4.4 Classification of Electoral Systems

The classification of electoral systems is a very complex issue. Electoral systems can be sorted by the degree of proportionality, the electoral formula, electoral districts, the number of rounds, the ballot structure and many other characteristics. (Blais, 1988) There has been much written and many schemes developed on the classification of electoral systems, since practically every political scientist studying electoral systems came up with a new or modified classification (see *infobox 6*). Therefore, there is not only one universal typology, neither widely agreed number of recognized electoral systems.

For the purpose of this work, the author decided to utilize the classification that is used for example by the *International Institute for Democracy and Electoral Assistance* and the *ACE Electoral Knowledge Network*. This choice was made with a regard to its comprehensive, but clear arrangement and its comprehensibility for people with no or limited background in political science. This classification is based on *formula* used and distinguishes three main categories of electoral systems according to how electoral system translates votes into seats won: 1. Plurality-

majority systems; 2. Proportional systems; and 3. Mixed systems. Furthermore, some countries have specific systems which do not fit into any of three categories, for example the Single Non-Transferable Vote used for example in Afghanistan or Jordan, the Gibraltar's Limited Vote, or Modified Borda count used on Nauru. Altogether, this mentioned classification identifies 12 main world's electoral systems: *First Past the Post, The Block Vote, The Party Block Vote, The Two-Round System, The Alternative Vote, List Proportional Representation, The Single Transferable Vote, Mixed Member Proportional Systems, Parallel Systems, The Single Non-Transferable Vote, The Limited Vote and Modified Borda Count* (see Figure 1).

infobox 6: Other classifications of electoral systems

Enid Lakeman's classification of electoral systems

1. *Majority systems*
 - A. *Relative majority*
 - i. *Single-member constituencies*
 - ii. *Multi-member constituencies*
 - B. *Absolute majority*
 - i. *Single-member constituencies*
 - a. *Second ballot*
 - b. *Alternative vote*
 - ii. *Multi-member constituencies*
 - a. *Second ballot*
 - b. *Alternative vote*
2. *Semi-proportional systems*
 - A. *Limited vote*
 - B. *Single non-transferable vote*
 - C. *Cumulative vote*
3. *Proportional systems*
 - A. *Party list*
 - i. *No choice between candidates*
 - ii. *Choice of one candidate within a list*
 - iii. *Choice of more than one candidate within a list*
 - iv. *Choice of candidates not confined to one list*
 - B. *Mixed systems*
 - C. *Single transferable vote*

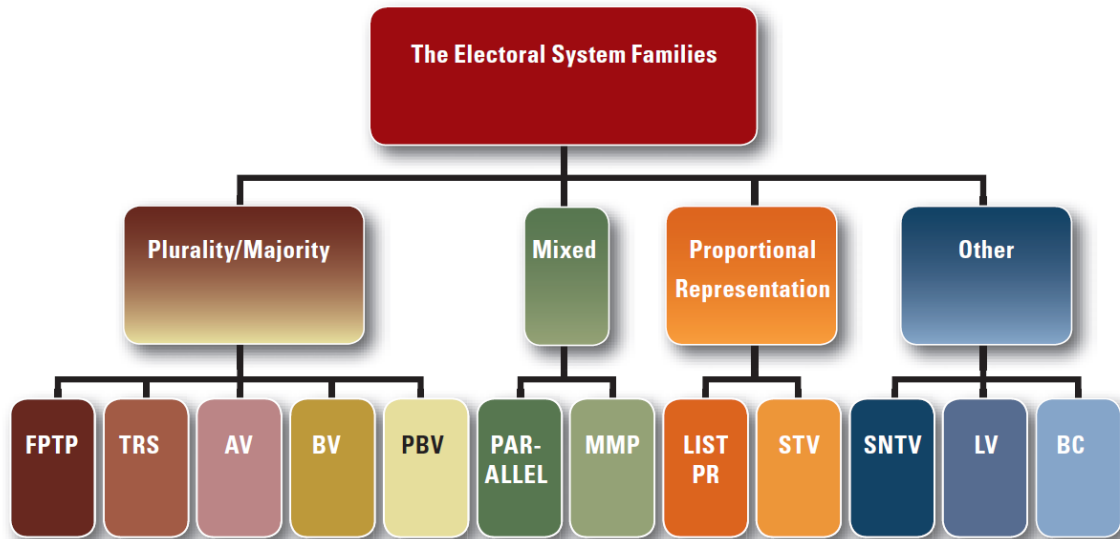
(Originally in "How Democracies Vote: A study of electoral systems". London, 1974,
Source: Blais, 1988, p. 101)

See also:

Douglas W. Rae's classification in *The Political Consequences of Electoral Laws*, 1969;
The classification used by geographers Peter J. Taylor and Ron Johnston in *Geography of elections*, 1979.
Dieter Nohlen, 2010.

All electoral systems have some particularities and have features in common, just with a difference that some them are present to larger or smaller extent. Therefore, there exist countless variations of electoral systems in the world.

Figure 1: The Electoral system families



Source: Reynolds et al., 2005, p. 28

4.4.1 Plurality-Majority Systems

The main principle of plurality and majority systems is to find clear winners. Simply, those candidate(s) who receive the required majority of votes are declared the winners, regardless of proportionality. This required majority can be either *absolute* (means that it must constitute of more than 50 % of votes; these systems are called *majority systems*) or *relative* (the largest share of votes; so called *plurality systems*). (Sartori, 2001) In simplified way, we can say that in plurality-majority systems “the winner takes it all”.

The classification used for this work distinguishes five main plurality-majority electoral systems; three plurality systems – *First past the post*, *the Block vote* and *the Party block vote* – and two majority systems –the *Two-round system* and *the Alternative vote*. As mentioned above, they differ in some key variables such as a

number of election rounds, a size of electoral district, and last but not least by a type of ballot which can be either *categorical*¹⁷ or *ordinal*¹⁸.

Table 2: The Distribution of electoral systems across national legislatures

	Africa	Americas	Asia	Eastern Europe	Western Europe	Oceania	Middle East	Total
FPTP	15	17	5	0	1	7	2	47
BV	1	3	2	0	3	2	4	15
PBV	3	0	1	0	0	0	0	4
AV	0	0	0	0	0	3	0	3
TRS	8	3	6	1	1	1	2	22
List PR	16	19	3	13	15	0	4	70
STV	0	0	0	0	2	0	0	2
MMP	1	3	0	2	2	1	0	9
Parallel	4	0	8	7	1	1	0	21
SNTV	0	0	1	0	0	2	1	4
BC	0	0	0	0	0	1	0	1
LV	0	0	0	0	1	0	0	1
Total	48	45	26	23	26	18	13	199

Note: As of 2004. Includes only elections to national legislatures; for countries with bicameral legislatures, system for the lower house.

Source: Reynolds et al., 2005, p. 31

4.4.1.1 First Past The Post (FPTP)

As shown in the chart *The Electoral systems of 213 Independent Countries and Related Territories* (Reynolds et al., 2005, p. 166-173), FPTP, or sometimes called *single-member plurality*, is the world's most commonly used electoral system. It is used for elections to national legislatures in almost 50 countries all over the world, predominantly in American and African countries (see *Table 2*). It is also the simplest electoral system within its category since the elections are one-round and held in single-member districts, with a use of categorical ballot. The voter can choose among nominated candidates only one of them. The candidate, who gains more votes than

¹⁷ *Categorical Ballot* is a form of ballot in which voters mark the candidates without possibility to rank them in order.

¹⁸ *Ordinal Ballot* is a form of ballot in which voters rank the candidates in order according to their preferences.

any other one, but not necessarily an absolute majority of votes, is the winner. (Reilly, Reynolds, 1999, p. 19, Reynolds et al., 2005)

Another important characteristic of FPTP, is its tendency to produce winners who are the representatives with strong regional ties. (Blanc et al., 2006, p. 48) Deputies who are beholden to defined geographical area can more effectively represent its interests on national level. The link between representatives and their constituencies also leads to higher accountability for their performance. FPTP also represents a chance for popular independent candidates to be elected. D. Nohlen (2010, p. 39) clarifies that “*Small parties without local strongholds have no chance of obtaining parliamentary seats.*” On the other hand, the single-member constituencies used under FPTP enable strong regional parties or geographically-concentrated minorities to be elected without any further adjustment of electoral system (see chapter five).

The feature of a great importance when analysing advantages of FPTP is its simplicity. The system is both easy to use and understand. In terms of the administration of elections, it is held in single-member districts and there is always only one round of voting. Parties that stand for election nominate only one candidate in each district. Voters are required only to mark their choice beside the name or symbol of one candidate they vote for. Therefore the ballots can be easily adapted to illiterate electorate or to the needs of the electorate in the multilingual countries (see chapter five). Election results can be easily counted since the candidate with the most votes wins (no matter what the share was) and gets the mandate. In simplified way, the electoral competition is won by the first in the finish line and this winner takes it all.

One of the outcomes of First Past the Post is that party system tends to gravitate towards bipartism.¹⁹ Which in practice means that in countries using FPTP there is usually a party of the “left” and a party of the “right” both tending to centre. This tendency naturally exclude extremist and small minority parties from the system. (Sartori, 2001) “*In severely ethnically or regionally divided societies, FPTP is commended for encouraging political parties to be “broad churches”, encompassing*

¹⁹ French sociologist Maurice Duverger studied the effects of electoral systems on party structure, and in his work *Les Parties politiques* (1951) formulated two hypothesis, which in political science became known as Duverger’s law. The first law states that the plurality elections in single-member districts tend to favour a two-party system. The second says that two-round majority system and proportional representation tend to favour multipartism.

many elements of society, particularly when there are only two major parties and many different societal groups." (Reynolds et al., 2005, p. 36) Two main parties alternate in power and form a strong single-party government and a strong opposition. Such a coherent opposition "*performs a critical checking role and present itself as a realistic alternative to the government of the day*" (Reynolds et al., 2005, p. 36). Coalition governments are rather exceptions. This is related to one of the main objections against FPTP – it tends to exclude small parties, minority and woman candidates. This is given by the fact that the parties usually nominate the most broadly acceptable candidate, which is rather man. In countries with well-established party systems, the party is usually the decisive factor, not the candidate – the system is rather party-centred. (Nohlen, 2010, p. 39) Moreover, voters have no influence on candidate nomination, neither the choice between different candidates from the same party.

FPTP also produces a big amount of wasted votes. Minority party supporters can feel disadvantaged and without any realistic hope for their candidate to succeed which can, in some cases, lead to mobilization of extremist movements. The system is also susceptible to different kinds of electoral manipulation practices, such as *gerrymandering* or *malapportionment* (see chapter 5.2.1).

4.4.1.2 Block Vote (BV)

The Block Vote system represents a plurality elections based on individual candidates. It can be easily described as the application of FPTP in multi-member districts (instead of single-member).

In practice, country is divided into constituencies with specific number of seats²⁰. Each voter has as many votes as there are seats to be filled in the district and distributes them to the candidates who are nominated by political parties.²¹ The voter is not limited by party lines and can support candidates from more than one party. It might be allowed to cast fewer votes than the maximum number permitted, however, it is not possible to cumulate votes²². (Blanc et al., 2006, p. 52) The candidates with the highest number of votes, regardless of the percentage of the vote they achieved,

²⁰ Alternatively, the whole country can be one constituency. (Blanc et al., 2006, p. 51)

²¹ Normally, independent candidates are also allowed.

²² This means that a *cumulative voting* – which permits voters to put more than one vote on a preferred candidate, and thus express voter's strong preference – is not allowed.

are elected. (Reilly, Reynolds, 1999, p. 19) Reaching a majority of votes (over 50 %) is not a necessary condition to be elected.

Usually, a party runs as many candidates as there are seats to be elected in order to maximize its gains. A party can also decide to nominate fewer candidates in a constituency than is the number of seat, thereby consciously giving up competition for seats in favour of other parties or independent candidates. (Blanc et al., 2006, s. 52) In spite of the possibility to vote across party lines, smaller parties have no guarantee of being represented since *“most voters will support specific party and vote for exactly the candidates nominated by that party. (...) when parties and the voters maintain a high degree of discipline²³, the largest party – which need not be very big – will take all the seats.”* (Blanc et al., 2006, p. 52) Whether a smaller party wins any seats, depends on many other factors: personalities of the candidates, tactical nomination of candidates and tactical voting of party’s supporters, etc. In Block vote system tactical behaviour can bring an advantage, however final election result may sometimes still seem quite random. (Blanc et al., 2006, p. 53)

Focusing on disadvantages of Block vote, we can say that it exaggerates most of the disadvantages of FPTP. It gives even bigger advantage to the largest party, and also concerning the proportionality of distribution of seats to votes, election results see larger deviation than FPTP. (Reynolds et al., 2005, p. 44) In the environment of perfect party discipline, the Block Vote has the same effect as the Party Block Vote (described below). Furthermore, another important disadvantage of FPTP – the accountability of deputies caused by a close link with the electorate – is absent. (Blanc et al., 2006, p. 53)

As a result of the shortages mentioned above, it is not recommended for parliamentary elections and in recent years. Also number of countries have changed the electoral system from BV to another one, as it was the case of Jordan which replaced BV by Single Non-Transferable vote in 2011, Thailand and Philippines which moved towards the use of mixed systems in 1990s. (ACE, 2016b; Reynolds et al., 2005, p. 44-45) On the other hand, the Block votes is still used for election upper chamber of Parliament in Haiti, Cayman Islands, Kuwait, Laos, Lebanon, and few

²³ In this context, “discipline” means that voters cast votes according their party affiliation, and support all candidates of the party they prefer on the long-term basis.

other countries. *Palestine* adopted Block vote with reserved minority seats²⁴ as result of deliberate electoral reform searching for candidate-based system which would enable to use natural boundaries, represent minorities, be trustworthy and simple for voters, transparent and easy-to-use from administrative point of view. For the first time, the system was used for the legislative elections in 1996 and it brought desired effects – voters easily handled the extensive ballot papers, and the new legislature with high degree of legitimacy included independent candidates as well as representatives of minority groups. (Ellis, 2005)

4.4.1.3 Party Block Vote (PBV)

The Party Block Vote system is a system of plurality elections based on closed lists of candidates. Similarly to Block vote, it also uses multi-member districts, however it is much less personalised, and more party-centred since the voters cannot make a choice between individual candidates, but only between parties.

Only parties can nominate candidates, therefore there are no options for independent candidates. For every single constituency, a party nominates a list of candidates which is fixed and contains as many names as there are seats to be elected. Each voter has only one vote which they cast for one of the closed party lists of candidates. The list, respectively the party which receives the most votes, even if it is not a majority, wins the election in the district, thus its entire list of candidates is elected and takes all seats in the district. (Reilly, Reynolds, 1999, p. 19; Blanc et al., 2006, p. 53)

The main objections against the system include those mentioned above with the FPTP. Besides, all the possibilities rising from undisciplined voting, and opportunities for smaller parties and strategic behaviour and nominating popular candidates are eliminated by the character of the system. Consequently, the results produced by the system are even less proportional and representative. (Reynolds et al., 2005, p. 47) Therefore, we can hardly talk about the electoral system working as a mirror reflecting the will of the electorate. Nevertheless, PBV is still partly used by four countries: Cameroon, Chad, Djibouti and Singapore. (ACE, 2016a)

²⁴ The use of reserved seats for minority representation purposes is described in the chapter 5.2.3, as well as the case of Palestinian minority seats.

4.4.1.4 The Two-Round System (TRS)

The Two-round system is a system of majority elections using single-member constituencies where a candidate has to obtain at least 50 per cent of votes (absolute majority) to be elected. Each party nominates one candidate and also independent candidates are usually allowed. The first round is similar to normal FPTP election. If a candidate receives more than 50 per cent of valid votes, which is the minimum amount to be elected in the first round, then they are elected directly and there is no need for a second ballot. However, if no candidate is elected in the first round of voting, a run-off takes place a week or fortnight apart. This time, the voters decide between (usually) two²⁵ candidates who received the highest number of votes in the first round. The candidate with the most votes is declared elected. (Blanc et al., 2006, p. 49; Reilly, Reynolds, 1999, p. 19) The possible second round ensures that subsidiary preferences of voters are taken into account when their first choice doesn't succeed to be elected. Furthermore, the requirement of an absolute majority strengthens the legitimacy of the elected deputies. (Sartori, 2001, p. 24-25, 73-82)

As mentioned above in the chapter about FPTP, second of Duverger's law supported by the worldwide evidence shows that the two-round majority system tend to favour multipartism, without having fatal effects for the existence of small parties. This is further explained by D. Nohlen (2010): "*The distortion effect of the [Two-round system] pushes parties to form alliances for the second round and therefore does not eliminate smaller parties, but tends to protect them due to their strategic importance for major parties.*" On the other hand, like in other majority systems "*small parties will have difficulties in winning seats unless they have strong regional support.*" (Blanc et al., 2006, p. 49)

Another feature, important especially in the environment of social polarization and post-conflict situations, is that the Two-round system gives parties and candidates incentives to appeal to voters beyond their own group (especially during

²⁵ It is also possible to have more than two candidates taking part in a second round. In this case, there is no need for achieving absolute majority and plurality winner is elected. For example, there is a variant of Two-Round system, used in France for elections to National Assembly, sometimes called Majority-Plurality, where any candidate who receives the votes from over 12,5 per cent of the electorate in the first round can stand in the second round. Whoever wins the highest number of votes in the second round wins the seat, regardless of whether they have obtained an absolute majority of votes or not. (Fair Vote, 2016)

the second round). TRS also reduces the probability of an election of extreme candidates²⁶ who have bigger chance to be elected under a plurality system.

Giovanni Sartori (2001, p. 73-82) describes that in TRS, voters actually vote twice and in two different ways – in the first round they cast a vote for their first preference without any need for tactical voting, while in the second round they reorientate their vote based on the results of the first round and cast the ballot for the less unpleasant of two choices. Although the method is prone to tactical voting, this concerns mostly the second round of voting.

Despite the possible necessity of a second round, the system is easy to use and to understand and that is its important advantage for countries with high degree of uneducated or illiterate population, and also from the point of view of election administration.

4.4.1.5 The Alternative Vote (AV)

The Alternative Vote is a majority system with multiple run-offs run in single-member constituencies. Although the voters go to the polling stations only once, the system simulates effect of multiple-round elections on the preferences. This is related to the system's main advantages – since there is only one round of elections organized, not only it is cheaper, but also a dropout in voter's turnout, common in second rounds, is averted.

The system uses ordinal ballot (see the chapter five) which contains the names of candidates, possibly with party affiliation. The voter ranks the candidates in order according to their preference. The most preferred candidate is marked "1", the second choice "2", the third choice "3", and so on. In the standard version of AV, the voter decides how many candidates to rank, however the rules can also require that a certain minimum number of candidates, or even all of them are ranked in order for the ballot to be valid. (Reilly, Reynolds, 1999, p. 50; Reynolds et al., 2005, p. 47-49) The system, thus, gives more complex information about voter's preferences, and not just their first choice.

The Alternative Vote is quite complicated on the side of elections' administration. During the counting procedure, the ballots are sorted by first

²⁶ When their support is strong, but still does not reach 50 per cent in a district.

preferences, and if there is a candidate who received more than 50 % of the first preferences, this candidate is elected. If nobody gets the absolute majority, the votes for the candidate who received the lowest number of first preferences are re-distributed according to second preference. A candidate who now reached the absolute majority of votes is elected. If nobody is elected, the procedure of re-distribution continues until either candidate is elected or until only one candidate is left. (Blanc et al., 2006, p. 50; Reilly, Reynolds, 1999, p. 50) One of the disadvantages of AV resulting from the method of counting votes is the fact, that the candidate who gets the minimum of first preferences, however has a broad support and gets second preferences from the most voters (and therefore might be the most acceptable and supported candidate for all) can be easily eliminated from the counting.

One of the disadvantages of AV resulting from the method of counting votes is the fact, that the candidate who gets the minimum of first preferences, however has a broad support and gets second preferences from the most voters (and therefore might be the most acceptable and supported candidate for all) can be easily eliminated from the counting.

It also requires certain degree of literacy and numeracy of voters to effectively use the ballot (see the chapter five). Currently, the AV is used for the legislative elections only in three countries in the Oceania – Australia, Fiji and Papua New Guinea.

4.4.2 Proportional Representation Systems

Systems of proportional representation aim to allocate “*seats in the representative bodies according to the number of votes received by political parties or by individual candidates*”, and thus to minimize disparity between a party’s share of national votes and its share of parliamentary seats. (Lijphart, 2003, p. 113; Reilly, Reynolds, 1999, p. 21) This is very important with respect to representation of minorities, who tend to be underrepresented – if represented at all – under plurality-majority systems. (Lijphart, 2003, p. 113)

In a model example of a very proportional system a party that wins some 45 per cent of votes would also win about 45 per cent of seats, as well as for a minor party

which gets five per cent of votes there would be 5 per cent of seats allocated. However, the systems of proportional representation vary considerably by their degree of proportionality, which depends on many variables (such as a district magnitude, a threshold, the structure of constituencies, the allocation formula used, etc.). Therefore, in practice the systems range from highly proportional (e.g. the Netherlands), through mid-proportional systems such as that of Moldova, to the systems that can produce highly disproportional results as it is the case of Chile or Turkey (see the chapter 5.2.2).

Among the distinguishing characteristics of the proportional representation systems belongs the use of multi-member districts. This is a necessary condition for all systems of proportional representation, since the single-member constituencies implicates some kind of plurality-majority system.

The proportional systems around the world vary significantly since their setting depends on wide range of variables which can be combined in a large number of ways. Consequently they can lead to very different effects. The greater the number of seats to be allocated in a district, the more proportional the electoral system will be. PR systems offer more possibilities in regard to voter's participation; whether the voter can choose between political parties, individual candidates, or both, or whether preferential voting and *panachage*²⁷ is allowed, and others (see the chapter 5.2.4). (ACE, 2016b) Ability to include even small parties and other groups into decision-making is the reason why PR systems are a frequent choice in transitional and new democracies, particularly in those marked by a deep societal division. History shows that the inclusion of all significant segments of society in decision-making is an important part of democratic consolidation. (Reilly, Reynolds, 1999, p. 22)

4.4.2.1 List Proportional Representation (List PR)

“For many new democracies, particularly those that face deep divisions, the inclusion of all significant groups in the parliament can be an important condition for democratic consolidation.” (Reilly, Reynolds, 1999, p. 22) This is the reason why, when searching for a suitable system for new-born country, new democracy or post-conflict society, List PR is a prevalent choice. Also worldwide the List Proportional

²⁷ *Panachage* is a mechanism which allows voters to vote for candidates across different party lists. It is further discussed in the chapter 5.2.4.

Representation is the most common type of electoral system, used for the legislative election in 70 countries of the world. (Reynolds et al., 2005, p. 166-173; ACE, 2016a) As such, it is widely used in parliamentary elections in Europe, in Latin American countries, but also in countries of MENA region (Morocco, Tunisia, Jordan, Turkey, and Iraq) and South Africa (SAR, Namibia, Angola). The geographical distribution of List PR around the world can be seen above in the Table 2.

As mentioned earlier, elections under List PR are administered in multi-member constituencies. Each party, or it can be equally a group of candidates running together or a coalition, puts up a list of nominees for the district(s) they want to compete in. Voter cast a ballot for a party list, which can be either closed (does not allow any shifts on the ballot) or open which allows *preferential voting*. In the case of open list, electors can express their preferences for a certain amount of nominated candidates²⁸ and thereby increase their probability of winning a seat. However, voter's primary choice is still for a party. (Blanc et al., 2006, p. 55) Seats are allocated to parties according to their score on a national level and mandates are given to candidates taken from the list in order to their respective position.

Overall proportionality between votes and seats varies from case to case and depends on many factors; some of them will be further discussed below and in the chapter five. The way the votes are proportionally distributed among the lists and converted into seats is called *distribution methods*. There are several methods, but the most commonly used are *divisor methods* such as *d'Hondt formula*²⁹ and *Sainte-Laguë formula*³⁰ or the *Method of the largest remainder*. (Blanc et al., 2006, p. 55) Nevertheless, for the purpose of this work, the methods are not of great importance and as such will not be discussed in detail.³¹

²⁸ In a moderate systems, voter can allocate one extra preference. In more radical systems, voter has more extra preferences to give, and in some systems can even strike out candidates. Furthermore, there exist systems that allow voters so-called *cross-voting*, e.i. to give preferential votes even to candidates from other parties than the one they primarily vote for. (Sartori, 2001, p. 22; Blanc et al., 2006, p. 58).

²⁹ *D'Hondt formula* is "one of the options for the series of divisors used to distribute seats in List PR systems which adopt the Highest Average Method. The votes of a party or grouping are divided successively by 1, 2, 3... as seats are allocated to it. Of the available formulas, D'Hondt tends to be the most favourable to larger parties." (ACE, 2016)

³⁰ Sainte-Laguë formula is similar to D'Hondt formula (see above), but the divisors are 1, 3, 5 and so on.

³¹ Blanc, Hylland and Volland say that the choice of one of the methods rather than another is not of overriding importance since the methods are just different procedures for rounding the exact proportional representation of the parties to the number of seats which must be a whole number. (Blanc et al., 2006, p. 55)

Although the political proportionality is an important feature of representative parliament, and as such is achieved by a use of large constituencies or even better by one nationwide constituency³², it is not the only relevant concern. The proportionality can be equally perceived in a sense of geography, i.e. that the population from different region is adequately represented. The geographic representation is achieved by dividing the country into electoral districts. *Electoral districts* vary in size (i.e. a number of seats), ranging from small districts (2-5 seats), through medium size districts (5-10 seats) to under List PR most commonly used large constituencies (over 10 seats) which help to maximize the proportionality of results. The larger the constituency, the greater proportionality is produced.³³ (Sartori, 2001, p.21) The constituencies often coincide with the country's administrative organization which is convenient, since there is lower tendency for utilitarian district redrawing (*gerrymandering*), less conflicts, etc. Although such units may differ by the population, practically it is not a problem because the district size (number of seats allocated) can be counted adequately. The electoral districts as one of the system's variables are more explained in the chapter 5.2.1.

Despite the size of districts well reflecting the proportion of population, the total results and distribution of seats may deviate from proportional representation of parties on national level. This deviation can be caused by rounding the exact proportions to whole numbers (distribution method), by the use of threshold, geographical concentration, etc. Therefore, some countries use so-called *compensatory seats*³⁴ as a mechanism to compensate for a deviation from nationwide proportionality. (Blanc et al., 2006, p. 56)

Some countries, aiming to ease a formation of stable government and to avoid party fragmentation, adopt a formal threshold³⁵ for representation to their List PR system. (Reynolds et al., 2005, p. 60; Sartori, 2001, p. 23) Threshold is a minimum share of votes that a party to take part in the distribution of seats has to surpass to be

³² There are only few countries in the world using the system where the whole parliament is elected in one nationwide constituency, namely Israel, Moldova, the Netherlands, and Slovakia.

³³ Therefore, the systems in Israel, Moldova, the Netherlands, or Slovakia which use only one national constituency, are the closest to pure PR. (Blanc et al., 2006, p. 21)

³⁴ *Compensatory seats* are the seats which are awarded to parties to correct disproportionality in their representation. The system of compensatory seats is used for example in Bosnia and Herzegovina (House of Representatives), or Lesotho (National Assembly). (ACE, 2016b)

³⁵ *Threshold* is the minimum level of support which a party needs to gain representation. See more in the chapter 5.2.2.

able to get the mandate(s). Since the threshold has often large influence on the representation of minorities, it will be further discussed, together with some other mechanisms facilitating minority representation, in the chapter 5.2.2.

Among the main advantages of List PR systems is their good performance with regard to representation measured by the degree of proportionality and their ability to create representative parliaments. Furthermore, the experience from new democracies suggest that List PR systems open space for nomination of representatives from minority groups and their successful election. (Reynolds et al., 2005, p. 61) Thus, by including both majority and minority groups into decision-making, systems of List PR can contribute to lowering or preventing tensions within society. Under proportional representation systems is also more likely that woman will be elected than under any plurality-majority system.

However, at the same time, List PR is criticized for the excessive fragmentation of party system and possible difficulties with government formation. Large constituencies also lead to lack of relationship between the elected representatives, the constituents and the region, and thus lower accountability of the members of parliament. (Blanc et al., 2006, p. 59) This can be a particular challenge in *“developing countries where the society is mainly rural, voter’s identification with their region of residence is sometimes considerably stronger than their identification with any political party or grouping.”* (Reynolds et al., 2005, p. 71)

Associated with a need for existence of some groupings or parties, the system is difficult to implement in societies with non-existent or only emergent party structures. Moreover, when closed lists are used, voters have no chance to influence the identity of people who will represent them and the choice stays within the party headquarters. (Reynolds et al., 2005, p. 71; Blanc et al., 2006, p. 58) On the other hand, the use of open lists gives voters extensive options to influence the final composition of the assembly. This is further explained in the chapter 5.2.4.

4.4.2.2 The Single Transferable Vote (STV)

The Single Transferable Vote is a preferential system in multi-member constituencies which is not based on party lists. Candidates run individually, and thus are listed on the ballot by name, eventually with party or other affiliation. Therefore,

STV represents rather personalised voting since voters normally vote for candidates rather than political parties. However, it is up to voters to decide whether they want to vote along or across a party line or some other dimension such as supporting regional candidates, representatives of some ethnicity, religion, gender, etc. (Blanc et al., 2006, p. 63) Voters may decide to support moderate candidates across political spectrum without expressing support to one particular party. According to Blanc et al. (2006, p. 65) *“In that sense, the system may contribute do strengthening the moderate voice in a post-conflict situation.”* This, however, can also work in opposite way when voters decide to vote for extreme candidates or to support candidates with specific affiliation (ethnic, religious, etc.).

In practice, the voter ranks the candidates in order of preference marking “1” for the most preferred candidate, “2” for the second preference, and upwards. Normally, the voter decides how many candidates to rank³⁶, however, by ranking only few candidates the voter risks to lower influence.

Consequently, the process of translating votes into seats is very complex, which is another disadvantage of STV. In a very simplified way, based on the number of valid votes and seats to be filled, a quota is calculated. The candidates that surpass the specified quota of first-preference votes are immediately elected. In subsequent counts, candidates with the lowest number of votes are eliminated and their votes are redistributed according to the next preference. Also, votes surplus to the quota from elected candidates are redistributed according to the next preference. The process continues until the sufficient amount of candidates is declared elected. (Reilly, Reynolds, 1999, p. 22; Blanc et al., 2006, p. 65; Reynolds et al., 2005, p. 76)³⁷

The complexity of the counting process in STV is one of the reasons why the system is less prone to tactical voting. (Blanc et al., 2006, p. 63) Voters can support the truly preferred candidates (even if they are from small parties) because if their first choice is not elected, the vote is not wasted, but transferred according to the next preference. On the other hand, the complexity is also the reason why it takes time to completely understand the method by voters. It also demands a degree of literacy and numeracy, thus its use could be complicated in countries with low level of educated

³⁶ For a ballot to be valid, at least one preference has to be expressed, however also all candidates can be ranked or any number of preferences in between these extremes. (Blanc et al., 2006, p. 63)

³⁷ The whole process of translating votes into mandates is described more in detail by Blanc et al., 2006, p. 63-65; or by the ACE project (2016b)

voters. When voters have difficulties to understand the way the system works, they are less confident about the procedure and the electoral outcomes, which has often negative consequences for their participation in elections and voter's turnout.

Despite of practical need for small constituencies, which limits the political proportionality of STV, the system creates a fairly representative legislative body which in terms of degree of proportionality is superior to plurality-majority systems. Furthermore, also in terms of other dimensions the assembly can be fairly representative if the voters express their will in this way. (Reynolds et al., 2005, p. 76; Blanc et al., 2006, p. 65)

Another advantage of STV is the quite high accountability which is produced. Firstly, it is thanks to fact that voters vote rather for individuals than for parties, secondly, the practical need for small constituencies strengthen the link between electorate and representatives. Furthermore, *“as a mechanism for choosing representatives, STV is perhaps the most sophisticated of all electoral systems, allowing for choice between parties and between candidates within parties”* and as such it has been advocated by many political scientists. (ACE, 2016b)

4.4.3 Mixed Systems

Rather than speaking about one single system, mixed systems are a group of various systems which have one main characteristic in common – they use two different electoral systems using different formula running alongside each other. (Reynolds et al., 2005, p. 90-91) Consequently, in practice, the voter cast two votes – one under each system. The reason for such arrangement is to take the best of the advantages offered by proportional systems and plurality-majority (or other) systems, usually combining List PR with FPTP or TRS. (ACE, 2016b) In order to be referred to as a mixed, one condition has to be fulfilled: each method has to generate at least five per cent of mandates. Two forms of mixed systems, as described below, depending on whether the results of proportional and plurality-majority (or other) elections are dependent (Mixed Member Proportional system) or detached (Parallel system). Geographically, mixed systems have been used by new democracies in Eastern Europe and Africa and some Asian countries. (ACE, 2016a)

4.4.3.1 Mixed Member Proportional (MMP) Systems

Mixed Member Proportional systems, or Personalized PR as called by Dieter Nohlen or Giovanni Sartori, belong to the category of mixed systems which is characteristic by a combination of proportional and plurality-majority method in various proportions.

Within MMP, the allocation of seats in the proportional part depends on the results produced in the plurality-majority (or other) part, because the goal of the proportional seats is to compensate for eventual disproportionalities. (Blanc et al., 2006, p. 59; Reynolds et al., 2005, p. 91) This can be illustrated on following example: if a party obtains 15 per cent of votes on a national level, but no seats from majoritarian districts, then it is awarded enough seats from PR list to have up to 15 per cent of mandates in the legislative body.

Among the advantages of MMP systems is their ability to create a representative parliament. This is given by their relatively good proportionality, which can even be as proportional as List PR. (Reynolds et al., 2005, p. 95). For this reason, G. Sartori (2001, p. 31-33) even argues – within the context of German MMP – that the results are not mixed, but proportional. On the other hand, it can happen that the disproportionality generated in the single-member districts is so great that it cannot be fully compensated by list seats.³⁸ In such case, the party wins more seats in majoritarian districts than it is its support on the national (PR) level. (Reynolds et al., 2005, p. 95). However, this can be solved by adding some extra seats – so called *overhang mandates*³⁹ – and therefore slightly increasing the size of legislature. Another advantage is the link between members elected under majoritarian part and their geographical district (the electorate) and related accountability.

The systems are more complex from the point of view of an election administration and a translation of votes into seats, and thus demanding certain level of voters' and administrator's capacities. Furthermore, it can be misunderstood by the voters that for the overall allocation of votes, out of their two votes the one for

³⁸ However, as mentioned in IDEA Handbook on Electoral systems: „*This is more likely when the PR electoral districts are defined not at the national level but at regional or provincial level.*“ (Reynolds et al., 2005, p. 95)

³⁹ Overhang mandates are common in German practice, and are possible also in New Zealand. In practice it means that the size of the elected body is not fixed, but rather set as an optimum, which in case of need for a compensation of eventual disproportionality, can be enlarged of certain amount of seats.

proportional list is more important. Besides, MMP can also lead to a tactical behaviour by parties and voters, and thus to “strategic voting” anomalies.⁴⁰ (ACE, 2016b)

The system of MMP representation has a long tradition in Germany where it has been used for elections to the Federal Parliament since 1949, therefore is sometimes referred to as a German system. However, there are many other countries using different variants of MMP, namely Albania, Bolivia, Hungary⁴¹, Italy, Lesotho, Mexico, New Zealand or Venezuela.

4.4.3.2 Parallel Systems

Also the term parallel systems is an umbrella term for variety of systems using in various combinations two electoral systems alongside and detached from each other. Among the countries using some form of parallel system, we can find combinations of List PR and FPTP, List PR and Two-Round system, List PR and Block vote or Party Block Vote, and even List PR with Single Non-Transferable vote (described later). (Reynolds et al., 2005) Similarly to MMP, under parallel system the voters cast two votes, which are, by contrast, counted similarly. In a parallel system, both method of proportional representation and plurality-majority vote are used side by side (in parallel). Part of the elected body arises from plurality-majority elections, while other part is constituted by votes cast for party lists in proportional elections in multi-member districts.

Not as in the Mixed Member Proportional systems, the results from plurality-majority elections are not taken into account when the seats under List PR are distributed. In the parallel systems, the disproportionality usually arising from plurality-majority elections is not compensated, but only mitigated by the results from the proportional elections. (Blanc et al., 2006, p. 67) Therefore, while an MMP system generally results in proportional outcomes, parallel systems are rather semi-proportional, usually falling somewhere between that of a plurality-majority and that of a proportional system. (ACE, 2016)

⁴⁰ This phenomena is described on the case of Maori voters in New Zealand later in the chapter five.

⁴¹ Hungary is an exception within the group since unlike the other named countries it does not use FPTP, but TRS for elections in majoritarian districts. (Reynolds et al., 2005, p. 91)

Reynolds and Reilly (Reilly, Reynolds, 1999, p. 21) mention that “*parallel systems have been widely adopted by new democracies in the 1990s, perhaps because, on the face of it, they appear to combine the benefits of PR lists with single-member district representation.*” This happened more often as a compromise solution rather than a result of a deeper analysis of how to set the electoral system to suit the best the country needs.

Nowadays, the parallel systems are used in parliament elections in over twenty, mostly Eastern European and Asian, countries, e.g. in Georgia, Jordan, Japan, Philippines, Pakistan, Russia, Tajikistan, Taiwan, but also in Guinea, Senegal, South Sudan, Chad, etc. (ACE, 2016a)

4.4.4 Other Systems

Besides, there are another three systems which do not fit into above-mentioned categories:

- The Single Non-Transferable Vote;
- The Limited Vote; and
- Borda Count.

The final proportionality of the results generated by these systems tend to fall somewhere between the proportionality of proportional and plurality-majority systems.

4.4.4.1 The Single Non-Transferable Vote (SNTV)

The Single Non-Transferable Vote is a plurality system which uses the multi-member districts and ballots similar to STV⁴². However each voter can vote for only one candidate and the vote is not further redistributed. The candidates with the highest number of votes are declared elected.⁴³ (Blanc et al., 2006, p. 66; Reynolds et al., 2005, p. 113)

Normally, under SNTV, voters vote for candidates rather than for political parties. Therefore, the process of nomination of candidates represents a challenge for

⁴² Candidates are listed individually by their name, possibly with party affiliation.

⁴³ Which in practice means that in a four-member district, a candidate who obtains just over 20 per cent is guaranteed election.

parties and electorate who have to behave tactically to avoid a “*vote-splitting*”⁴⁴ and to maximize gains. The vulnerability to tactical behaviour is the reason why the system is not very common for legislative elections. (Blanc et al., 2006, p. 67) Namely, it is used only in Afghanistan, Pitcairn Islands, Vanuatu, for part of the seats of Jordan’s Lower Chamber, the Indonesian Senate elections and as a part of the Parallel system in Taiwan. (ACE, 2016; Nohlen, Grotz, 2004)

Among the system’s advantages is that depending on the number of seats in the constituency (district magnitude), it can produce quite proportional results, or at least more proportional than plurality-majority systems. Therefore, it should be referred to as a semi-proportional system. (Blanc et al., 2006, p. 66) The fact that under SNTV, the voters tend to cast votes for candidates rather than for political parties is related to the system’s important advantage – SNTV can facilitate the representation of minorities or other segments of society, as well as independent candidates. (Reynolds et al., 2005, p. 113) With a regard to the groups that are targeted by this work, another important feature of SNTV is its simplicity – SNTV is both easy to use and to understand.

Furthermore, the system encourages parties to become well organized and to closely cooperate with their voters to ensure that their votes are allocated effectively. Some academics also mention that SNTV has smaller effect on party system fragmentation than system of List PR. (Reynolds et al., 2005, p. 113)

4.4.4.2 The Limited Vote

The Limited Vote is a plurality system applied in multi-member constituencies where voters have more than one vote, but fewer votes than there are seats to be filled. (Reynolds et al., 2005, p. 117) The candidates who receive the highest number of votes are declared elected. Although it is a rather rarer system, it has its supporters since “*it facilitates the election of strong minority candidates and allows for a 'personal' vote for individual candidates*”. (ACE, 2016b) This is an important feature related to

⁴⁴ This can be illustrated on a district with four seats and a party with a support from more than 60 per cent of voters. A candidate who gets over 20 per cent of votes is guaranteed election. Therefore, in a best possible case, if votes are equally split among nominated candidates, party can get up to three seats. However, it is also possible than one of the candidates is a personality with wide support and gets over 40 per cent of votes from party supporters and will be the only one elected from party’s candidates. In short, miscalculations or aiming for too many seats can bring party fewer mandates than it could have gotten.

minority representation options, and as Reilly and Reynolds (Reilly, Reynolds, 1999, p. 21) mention Lijphart, Pintor and Stone (1986) advocate the Limited vote for this reason. The system is also simple to understand by voters and quite easy to count as well. However, although it is also described as semi-proportional, it shares some characteristics of the Block Vote and creates less proportional results than SNTV. (Reilly, Reynolds, 1999, p. 21)

Today, the Limited Vote is rather used for elections on local level. For legislative elections, it is used for election of national legislative body only in Gibraltar and the Senate in Spain. (ACE, 2016a)

4.4.4.3 Borda Count (BC)

Borda Count represents a quite unique electoral system, famous for its use in the Pacific area, namely in the islands state of Nauru where it is used for the parliamentary elections, and in presidential election in Kiribati. (Reilly, 2002) Geographically closer example of its use can be find in Slovenia, where, two ethnic minority members of the National Assembly (one member represents ethnic Italians, the other one the Hungarian minority). (Electoral Reform Society, 2010)

It is a preferential position-based system which can be used in both single- and multi-member districts. Alike in proportional systems, the size of the districts influence the proportionality of results. (ACE, 2016b) The voters rank candidates according to their preferences (like under the AV), however preferences are translated into “factorial votes” (i.e. a first preference equals one point, a second preference is worth half, a third one-third, and so on⁴⁵). During the one and only round of counting (with no elimination), gained votes are summed and the candidate(s) with the highest total score is/are declared elected. (Reilly, 2002; Reynolds et al., 2005, p. 118)

Regarding the performance and effects of the Borda Count, it is quite similar to the ones of the other preferential systems (the Alternative Vote, the Single Transferable Vote). Voters can express their preferences and attitude towards all candidates. Consequently, Borda Count tends to elect candidates with broad support, rather than those supported by the majority which is one of its main advantages.

⁴⁵ This example refers to the system used in Nauru, however, there exist more than one formula for assigning points for each ranking of a candidate.

(Electoral Reform Society, 2010) It is probably the main reason why it is used for the election of minority representatives in Slovenia. On the other hand the system requires at least some level of numeracy to work. It may be also hard for voters to understand how it works and trust the election procedure and its outcomes.

For more details about the Borda Count system, see the article *Social Choice in the South Seas: Electoral Innovation and the Borda Count in the Pacific Island Countries*, where Benjamin Reilly (2002) examines and explains its use based on two case studies.

In this chapter, we have outlined the electoral system classification, clarified the difference of the main twelve electoral systems used in the world, their main characteristics and the way they function, their advantages and disadvantages as well as their use in practice. It is important to understand how complex and variable the world of electoral engineering is before we move to the explanation of characteristic and performance of the electoral system variables and specific mechanisms which are of the main concern of this work.

However, in order to provide a comprehensive image of variety of world's electoral systems, it should be mentioned that the list above is not exhaustive. Besides the twelve systems described, there exist a number of their variations including specific arrangements. Moreover, there are also so called hybrid systems which are described as systems "*in which one part of a country elects its representatives using one electoral system, and another distinct part of the country elects representatives using a different system. In Panama, about two-thirds of the representatives are elected from multimember districts using List PR, while the remaining third are elected from single member districts using FPTP with no overlap of the two types of districts.*" (Reynolds et al., 2005, p. 118; ACE, 2016b) The possible combinations and choices in the electoral system design are practically unlimited. It should be also understood that every single example of implementation of certain electoral system will bring unique results reflecting specific local circumstances and conditions. Therefore, it is difficult to foresee its impacts and outcomes, and electoral engineers rather work with dynamic tendencies than with constant principles of functioning.

5 Electoral System Design and Group Representation

The representation of minorities and communities of interest in political bodies is traditionally perceived as a normative good. The reasons are not only the arguments of *descriptive democracy*, but also ensuring certain political balance in the legislature. When stating that “*the electoral system should facilitate minority representation and influence*” the Lund Recommendation on Elections No. 9 (OSCE ODIHR, 2003; OSCE HCNM, 1999) explicitly supports this perception. This should be done not in order to mitigate the difference and to *assimilate* the minority, but to *integrate* minorities into decision-making. While the efforts to assimilation are often counter-productive, the integration accepts differences and seeks turning them into constructive force. (Müllerson, 2007, p. 74)

If obstacles for the inclusion and representation of minority groups cannot be effectively solved by the deliberate choice of the electoral system and through regular electoral mechanisms, adoption of special measures should be considered. These include adjustment of regular system variables (districting, threshold,...), but also incorporation of certain special measures, such as reserved seats or quotas, or through measures like sophisticated design of ballot papers or remote voting option. (OSCE ODIHR, 2013, p.20) However, all adjustments should only slightly shift the ever-present bias of the system towards minority representation, and not to discriminate against or violate the rights of the majority. (Canon, 1999, p. 346)

These provisions will be examined in the following part both from the perspective of their functioning in theory and of their possible application and practical implications in the regard to minority and group representation. Furthermore, this chapter will provide examples of good practice and also

unsatisfactorily working electoral arrangements from all over the world, with a special focus on developing countries.

5.1 The Key variables in designing of the group representation

It was already mentioned that historical, social, political, cultural, and demographic context is an important factor to be considered within the electoral system design. It is even more significant in countries distinguished by social plurality. When developing electoral system under such conditions with an intention to encourage group representation, the designer – who should optimally be a political scientist, anthropologist, historian and demographer, all in one – has to be deeply familiar with the nature of the social plurality of the country. That means, to know (1) the *basis of group identity*, i.e. if voters define themselves according to certain lines, what type of cleavage it is – ethnical, religious, linguistic, ethno-nationalistic, regional, or a combination of these? In addition to that, what is (2) the *intensity of the tension*? Does it change (graduate/decrease) over time, or is it more or less constant? Are relations affected by some clashes of conflicts? Are there efforts for reconciliation? Being aware of what the source of the conflict is – whether it has a territorial basis, arises from competition about resources, or derives from human or minority rights, i.e. (3) the *nature of dispute*. Another important aspect is (4) the *size of the minority group(s)*, both in absolute numbers and relative size. Are there several smaller minority groups, or one large minority? And last but not least important element for electoral system design is (5) the *spatial distribution* of the minority group. Are members of these groups evenly dispersed around the country, or are they concentrated in certain areas? (Reynolds, 2007, p. 44; Reynolds, 2006, p. 26) All these questions have to be answered in order to get a clear image of characteristics and situation of the minority group(s) we are dealing with, and to understand the factors that should be taken into account in the system design. Based on that, the designer can proceed to a creative process itself and start to search for the best combination of proven and innovative practices. The procedure of selecting one of the electoral systems for a main framework and subsequently adjusting and adding system variables described below to achieve the desired effects require profound knowledge

of available electoral engineering tools, possibilities of their use as well as their effects in different contexts and combinations.

5.2 Electoral system variables and group representation

Previous chapters offered an introduction into topics of minority and group representation and elections as well as an overview of the most common electoral systems and their features. Therefore, the knowledge background necessary for understanding of how individual institutions of electoral systems can be deliberately used as tools of electoral engineering to facilitate minority and group representation has been given.

The following part presents some of the elements that electoral system designers can use to enhance minority and group participation and representation. Considerations and the choice of tools should be based on a reflection of two key circumstances. Firstly, a size of the minority population, namely whether the overall population of a minority is large enough to be able to elect representative in a standard way, without a need to apply some special measures. Secondly, a geographical concentration of the minority population, which means whether the group is equally dispersed or regionally concentrated. (OSCE ODIHR, 2014, p. 43) These features have a key importance for the relevance and suitability of available mechanisms.

According to A. Reynolds (Reynolds, 2007, p. 45), the most important decisions in the electoral system design pursuing minority representation revolve around three key variables: (1) *the formula*, (2) *the district magnitude*, and (3) *the threshold* for representation of parties and candidates, which determine a skeleton of the system and have a main impact on the way votes area translated into seats. Apart from these, and with a special regard to the participation of communal/minority groups, B. Reilly and A. Reynolds mention four special measures which can be incorporated into the electoral system: (1) *communal electoral rolls*, (2) *reserved seats*, (3) *mixed candidate lists*, and rather rare mechanism of (4) *“best loser” seats*⁴⁶. (Reilly, Reynolds, 1999, p.

⁴⁶ *The Best Loser System* is a method used only in the Republic of Mauritius. Its main goal is to ensure that the minority ethnic groups are adequately represented in the parliament, and thus to keep the ethnic balance. Apart from 62 directly elected members, the constitution provides eight additional

40-43) In addition to that, OSCE ODIHR (2014) lists two more elements: (5) *special threshold requirements for minorities*, and (6) *dual voting*⁴⁷. Starting from these, we will now proceed to more detailed examination of the relevant electoral engineering mechanisms.

5.2.1 Electoral Districts

Districts, constituencies or electoral units are terms signifying the same thing – a geographically delimited area including voters residing within the area, which constitute a basic administration unit for elections. For each district a certain amount of mandates is allocated to be subjects of electoral competition during elections. Two main features of constituencies are important for representation of minorities, and electoral performance in general: (1) territorial delimitation of constituencies (especially under plurality-majority systems), and (2) the magnitude, i.e. the number of mandates allocated in the district under the system of proportional representation. (OSCE ODIHR, 2014, p. 45)

5.2.1.1 Constituency boundary

“Boundary delimitation in each of these [plurality, majority, and proportional] types of electoral system produces a different result, but each should ensure that certain guiding principles are honoured in its implementation.” (IDEA, 2002, p. 28) The three principles which should always guide the process of districting are: (1) *representativeness*, (2) *reciprocity and non-discrimination*, and (3) *equality of voting strength*. (OSCE ODIHR, 2003, p. 43; IDEA, 2002, p. 28-31)

The *representativeness* resides in the concept that the voters should have opportunity to vote for candidates they feel represent them. The implication is that the boundaries should to a maximal extent correspond with *communities of interests*. These are often defined by natural boundaries (e.g. islands, territorial exclaves, etc.),

seats which are allocated to the highest-polling losing candidates (“best losers”) from the particularly recognized ethnic groups. (Reilly, Reynolds, 1999, p. 43)

⁴⁷ In exceptional circumstances, voters from minority group may be legally granted special entitlement to elect their minority representatives to take the reserved seats in the legislative body by using second vote, in addition to their regular vote. However, this measure should be used only as an exceptional and transitional measure as it violates a “one person, one votes” principle. (OSCE ODIHR, 2014, p. 47)

by administrative division, but can also overlap with ethnical or racial neighbourhoods. (IDEA, 2002, p. 29) In practice, it is much easier to ensure representativeness in single-member or small districts than in large multi-member constituencies. Especially in countries using single nationwide constituency, the principle of representativeness is considerably limited.

The principle of reciprocity and non-discrimination relates to the legal framework for the boundary delimitation. Since the topic of *(re)districting* is politically sensitive, and distinguished by its significant role and effects on electoral outcomes, it is often regulated by the constitutional provisions. The legal framework should include rules for the (re)districting process: the frequency, criteria, respective roles of the legislative, judicial, and executive branches of government, public involvement, and the authority responsible for the process and final choice. (IDEA, 2002, p. 27; OSCE ODIHR, 2013, p. 16) In ideal case, the law should ensure that authorities in charge are neutral, independent and impartial. (OSCE ODIHR, 2013, p. 16) For this reason, the process of districting is often, but not always, in charge of a special commission. It should avoid, or at least minimize political pressures and tactical modifications of electoral units, known as *gerrymandering* (see below).

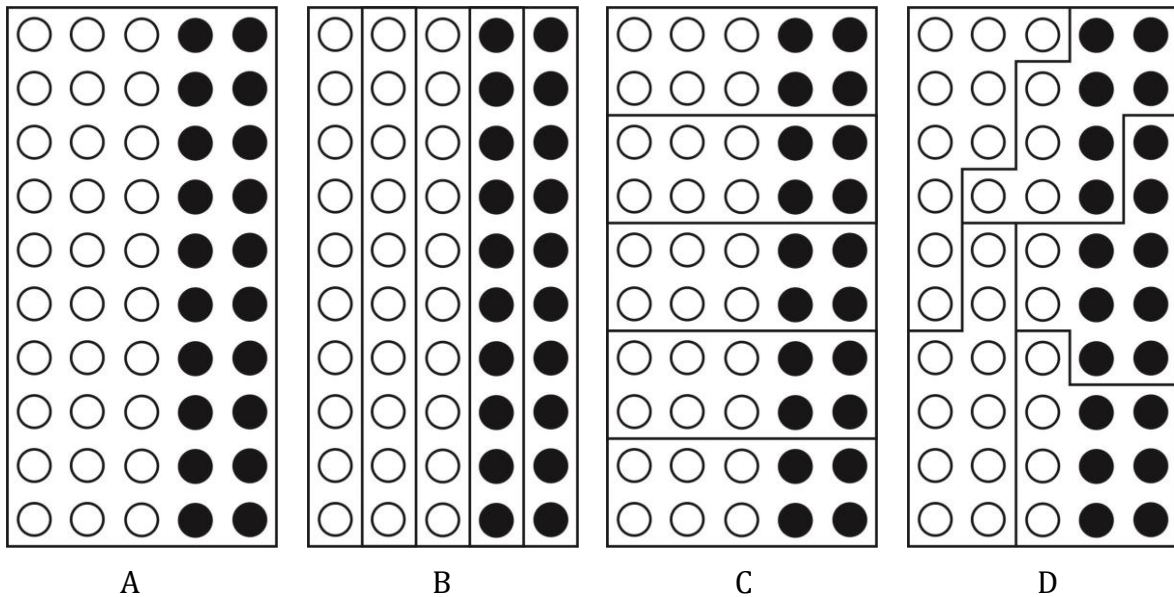
Another important element, or rather good practice which should be considered in districting is interconnection of voters within constituency. It is embodied in the principle of *connectivity*⁴⁸ which means that voters in one district should not be physically separated by the territory of another district. (OSCE ODIHR, 2013, p. 16) Not only is it relevant for the above mentioned communities of interest, but partly also for the district-boundary manipulation.

The importance of districting and the possible impact of the changes of constituency boundaries on the election results can be seen on the following scheme.

⁴⁸ "A constituency would satisfy the implicit principle of connectivity if, from each point contained in the constituency, one can draw a (not necessarily straight) line to any other point contained in the constituency without crossing the boundaries of the constituency. For example, the existence of enclaves belonging to constituency A, which are fully surrounded by the territories of constituencies B and C and not connected to the other voters of constituency A, would mean that constituency A would not satisfy this principle." (OSCE ODIHR, 2013, p. 16)

Figure 2: Delimitation of electoral districts

Source: author



The model area (A) comprises of 50 voters (represented by the dots) differing by candidate preferences (expressed by the colour of the dots). There are 30 white dots and 20 black dots, thus the share is 3:2; the white dots constitute the majority of 60 %, while the black dots make 40 % of total.

The area has to be divided into five single-member districts of the same size (i.e. 10 dots each). We can see three possible options of such division:

Option 1 (B): perfect representation: 3 predominantly white districts, 2 predominantly black districts → white wins 3:2

Option 2 (C): compact but unfair: 5 predominantly white districts, 0 predominantly black districts → white wins 5:0

Option 3 (D): neither compact, nor fair: 2 predominantly white districts, 3 predominantly black districts → black wins 2:3

Depending on the district boundaries, the final results can range from proportional representation (B), through disproportional representation favouring the candidate with the minority of votes (C), to highly disproportional results where the support of 60 % leads to a gain of 100 % of seats.

Although the United States are the most often quoted example of contemporary use of gerrymandering, they are far from being the only one. In different variations and extends it can be found all around the world, e.g. in Hong Kong, Malaysia (see below), Nepal, Singapore (2015), Venezuela (2010).

Nepal is distinguished by the regional division between the politically neglected agricultural plains which are home to about half of the Nepalese, and mountainous regions (including the capital city of Kathmandu). The districts are intentionally drawn in a way to positively discriminate the upper-caste mountainous population.

Electoral reform preceded the parliamentary elections in 2010 in Venezuela, including the move from the MMP to Parallel system and the redistricting. The changes favoured the ruling *Partido Socialista Unido de Venezuela*, which subsequently won 58 % of seats with 48 % of votes, while second *Mesa de la Unidad Democrática* got only 39 % of seats with 47 % of votes. (Schaeffler, 2010)

Even though Singapore has the competitive elections, they are not impartial. Since 1959, the system is dominated by *Singapore's People's Action Party* which has a political influence on the process of districting. As the result of gerrymandering, it

infobox 7: Gerrymandering

Gerrymandering is a term for a deliberate modification or unification of districts done with an intention to favour certain candidate or political party. It usually occurs in countries where (re)districting is politically controlled, and where certain kind of plurality-majority system with single-member constituencies, since its effects are harder to predict in case of proportional systems. (Reynolds, 2006, p. 26) The principle of gerrymandering is based on effective concentration of opponents' wasted votes and on minimizing wasted votes among supporters.

This practice was described for the first time the United States in 1812 in relation to the redrawn Massachusetts state senate election districts created by the governor Elbridge Gerry. Since then it has been more or less common practice that in last decades led to several Supreme Court cases which, among others, established precedents for racial gerrymandering.

This satirical map reflects the origin of the word as a blend of surname Gerry and salamander – Gerrymander, by Elkanah Tisdale in March 1813.

Figure 3: Gerrymander



managed to win 93 % of seats with 70 % of votes in the 2015 parliamentary election. (Slater, 2015; IPU, 2016b)

5.2.1.2 Magnitude

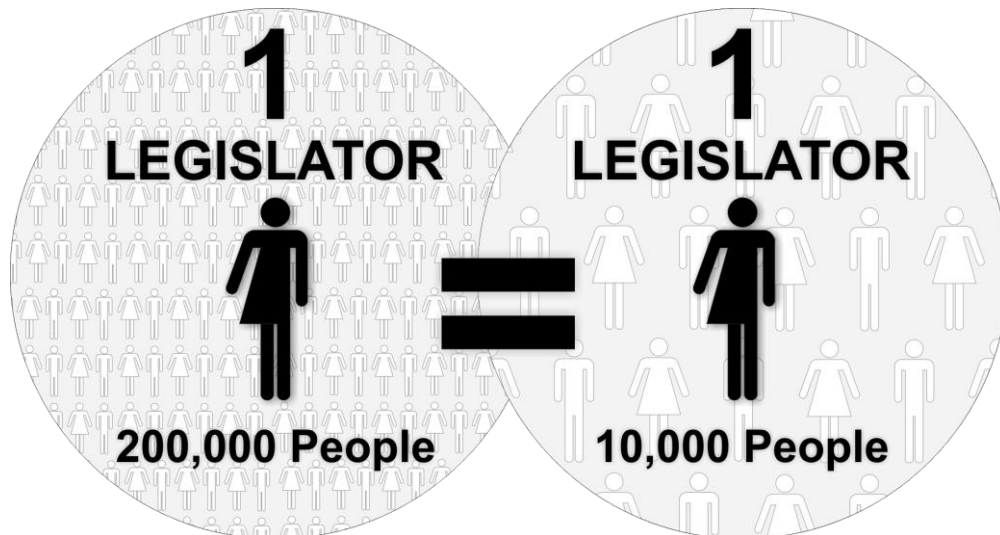
District *magnitude* refers to the number of mandates assigned to a district, i.e. how many representatives are elected there. Worldwide, we can find electoral rules setting the magnitude anywhere in the range from the single-member district, through small (2 – 5 mandates) and medium-size (6 – 10 mandates) districts, to large districts with more than 10 mandates, which in an extreme case can encompass the entire country and create a single nationwide constituency. (Nohlen, 1994) Although this differentiation serves rather for theoretical purposes, in practice the size of the electoral districts has a considerable impact on the proportionality of elections, and thus on the possibilities for electing minority and group candidates.

While single-member districts necessarily imply some type of majority/plurality system, multi-member districts are usually linked to some system of proportional representation. Written the other way around, systems that seek proportional representation inherently require multi-member districts. In principle, the smaller the district, the less proportional the results are. *“On average, increased district magnitude tends to reduce deviation from PR, (...) may also go with increased number of parties.”* (Taagepera, 2002, p. 255) This can be shown on the case of countries which use a single nationwide constituency, such as Israel, Moldova, The Netherlands or Slovakia. All of them have potential to produce very proportional results and enable representation of small parties. On the other hand, this can lead to extreme fragmentation of both party system and legislative body and inability to form a stable and lasting government. This issue can be partly solved when thresholds are introduced (see below).

We are thus coming to the third principle which should guide the process of districting. In every electoral system, the fundamental requirement of equality among voters should be respected. Therefore, also constituencies should be designed to be relatively equal in voting strength, i.e. to have approximately same ratio voters-seats. In the case of the First Past the Post it would mean to draw the districts of the more or less same population size, in proportional systems it would mean to adjust the

number of mandates allocated in the district to the district electorate size. The inglorious practice of considerably unequal voting strength resulting from large difference of districts' population, is called *malapportionment*. Despite the fact that it was one of the drivers of British electoral reforms in 19th century, it still occurs in many countries of the world, including the United Kingdom.

Figure 4: Malapportionment



Source: author

Malapportionment can be explained on the illustrative example of two single-member districts (see *Figure 3*). The first district has 200 000 voters, and the second district B 10 000 voters. Since in both districts only one single mandate is to be allocated, we can see that votes casted in the second district have twenty times higher influence than those in the first district. Consequently, “*systems with a high level of malapportionment often produce disproportional results.*” (ACE, 2016b)

Sometimes, malapportionment is used deliberately, as a tool of positive discrimination which leads to overrepresentation of certain regions. Commonly, in countries with a certain degree of devolution it ensures that each unit (federal state, region, department, etc.) has the same representation in the parliament regardless of its population. This is reality in many federal states in election for the upper chamber, e.g. the Australian Senate, the Federal Senate of Brazil, the Mexican Senate of the Republic, the Nigerian Senate, the Senate of Pakistan, but also in unitary states, for example in the United Kingdom where autonomous regions of Scotland and Wales are intentionally overrepresented in the House of Commons.

infobox 8: Malapportionment

Malapportionment is one of the practices based on geographical manipulation of constituency boundaries. It is characterized by an unfair proportional distribution of mandates among districts. By creating districts with significantly differing ratios of voters to representatives, it violates the fundamental principle of democratic votes 'one person, one vote, one value'.

Malapportionment appears either as a result of manipulated districting resulting into constituencies with different voter-representative ratio, or when migration and demographical changes of population are not reflected in redistricting. When the number of voters changes, but the number of representatives remains the same, the votes in different districts have different weight. In practices, it concerns more systems using single-member districts, namely FPTP. (Cabada, Kubát, 2007, p. 294)

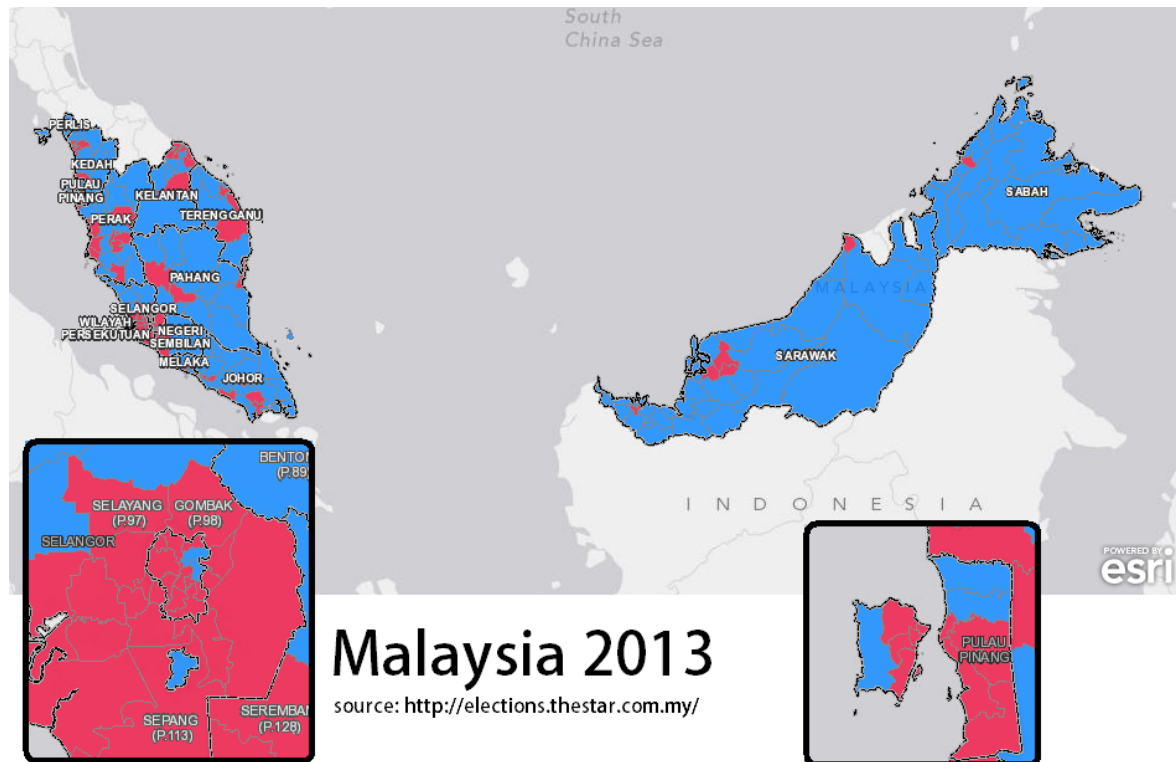
The negative impact of malapportionment can be shown on the case of legislative elections in Kenya in 1993 when extreme disparities of the size of electoral districts (the biggest district had 23 times more voters than the smallest one) contributed to the triumph of the ruling Kenyan African National Union party which with only 30 per cent of votes obtained a large majority in the parliament. (ACE, 2016b)

Systematic use of the described manipulative practices can be well illustrated on the 2013 election to the Malaysian House of Representatives. Although in theory, Malaysia is a parliamentary democracy, in practice it has been governed by a single alliance (with one dominating party - *Barisan Nasional (BN)*) since its independence in 1957. The power and domination of the ruling alliance has led to a wide use of gerrymandering, malapportionment (underrepresentation of regions where opposition alliance *Pakatan Rakyat (PR)* dominates, and overrepresentation of the rural regions supporting BN), vote frauds and other fraudulent techniques which maintain the alliance in the power. A look at the electoral results shows that BN managed to secure another term in the office with 133 out of the total of 222 seats gained with 47,83 % of votes, while PR won only 89 seats although it has received 50,87 % of votes. "Therefore, the government lost the election with only 48 % of the vote but won nearly 60 % of the seats in the Parliament; a result which reflects the extent of malapportionment and gerrymandering in Malaysia." (Hermine, 2013) Albeit gerrymandering is a significant problem in Malaysia, even bigger issue is the level of malapportionment. The country is the 5th among the most malapportioned countries in the world which use FPTP (with a measure of 0.173⁴⁹), it ranked only after

⁴⁹ If there is no malapportionment in a country's electoral system – i.e. if every seat has the same number of voters – the value of this measurement will be zero.

Solomon Islands (0.239), Zambia, Ghana, and Kenya. For a comparison, Tanzania was 21st (0.078), the United Kingdom 22nd (0.041), and the United States 25th (0.014). (Ming, 2013)

Figure 5: Malaysian election 2013 – party support (*Barisan Nasional*: blue, *Pakatan Rakyat*: red)



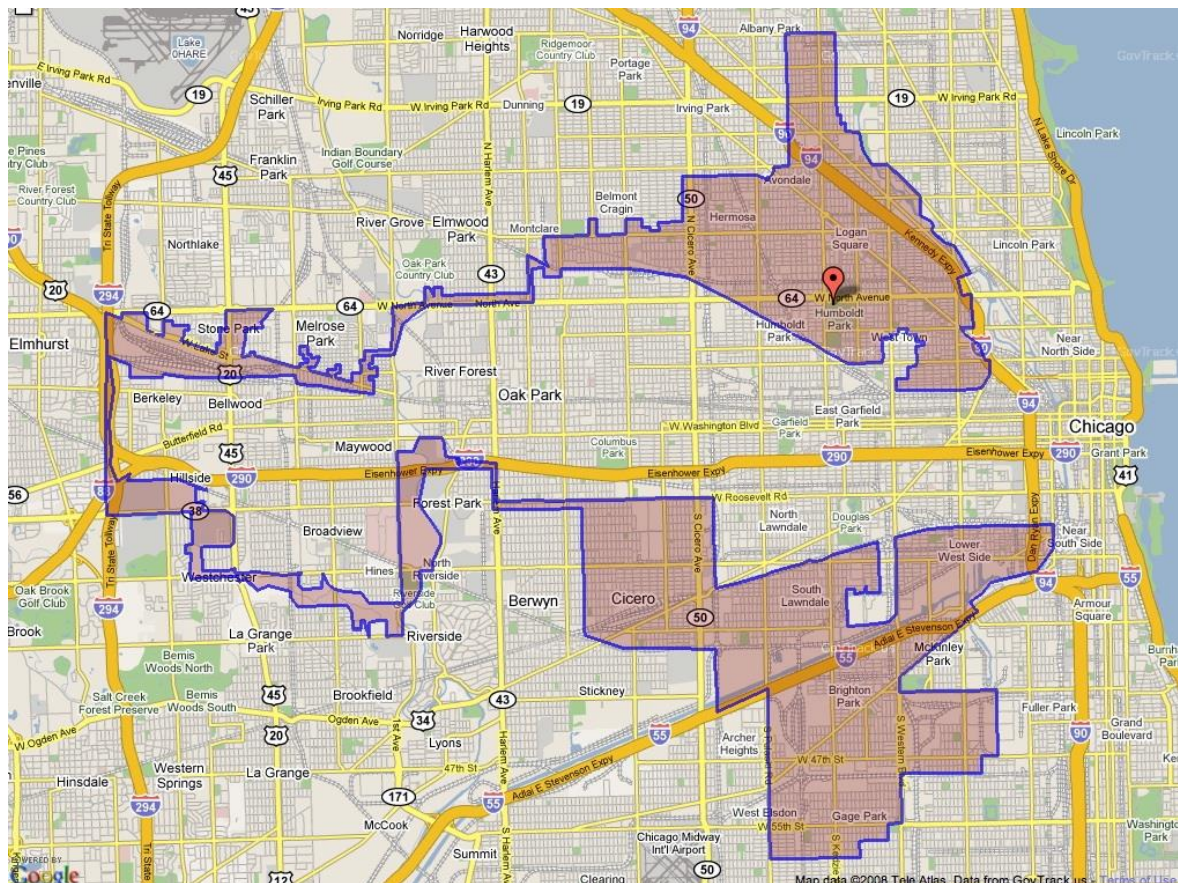
Source: Hermine, 2013

Electoral systems using single-member districts (i.e. FPTP and AV systems) cannot guarantee neither proportional representation, nor a minimal share of seats allocated to minority groups, unless they are geographically concentrated within constituencies. Similarly, single-member or small districts do not facilitate group representation. On the other hand, the use of multi-member districts can sometimes be sufficient mechanism of inclusion and representation. Use of proportional systems together with large districts can effectively enhance the representation of minorities because of the lower *effective threshold* (further explained in the chapter 5.2.2).

Despite the fact that the above described gerrymandering has negative connotations, it might be also used in order to achieve the communal representation of geographically concentrated minorities. (Blanc et al., 2006, p. 81) So called *affirmative gerrymandering* can be illustrated on the case of the United States where it is used to enhance representation of Afro-American, Latino and Asia-American

population by creating communal districts. (Reilly, Reynolds, 1999, p. 42) The practice is based on the principle of creating a majority minority district, i.e. uniting ethno-neighbourhoods into one district, and thus raise a probability of minority representatives to be elected. To get clearer idea about how it can function in reality, see the depiction of real district use in the USA (*Figure 5*).

Figure 6: Affirmative gerrymandering: Illinois 4th Congressional District, USA 2003-2013 (covering Latino neighbourhoods of Chicago)



Source: Dagers, 2013

Deliberate malapportionment can be utilized to support representation of the densely populated rural areas or marginalized regions. Looking beyond European borders, we can find this practice for example in Nepal where it – together with gerrymandering – enhance the representation of mountainous regions, but also leads to neglecting of lower agricultural regions. In already mentioned Malaysia, the rural regions (coinciding with the distribution of supporters of the ruling alliance) are overrepresented, while the urban districts are underrepresented. In Brazil, this practice favours relatively poor federal states and help to fight regional inequality –

a country's big issue – by promoting a regional redistribution of wealth. (Reilly, Reynolds, 1999, p. 41-42; ACE, 2016b) Likewise, overrepresentation of regions where minority groups are geographically concentrated, and which otherwise would not achieve a seat in the assembly, can effectively ensure the minority representation.

Nonetheless, it has to be mentioned that, even if aiming at the legitimate objective, as every manipulation of the electoral system, the affirmative gerrymandering stays a controversial issue which should not be a common practice. If possible, the minority representation should be achieved by different means.

5.2.2 Threshold

Another mechanism largely influencing communal representation, both in a positive and negative way, is *threshold*. In practice, we encounter two types of thresholds: (1) *effective or natural threshold* which is a mathematical by-product of the combination of system variables, and (2) *formal or legal thresholds* which are legally imposed.

Effective threshold is the minimum number of votes necessary to win one mandate (comparing to the legal threshold which does not guarantee any seat gains). It works on the level of constituencies and is determined by combination of various factors of electoral engineering, mainly by the number of mandates to be distributed (district magnitude) and the formula used for the allocation of seats. Effective threshold is a mathematic characteristic of the system which causes the important phenomenon: while in the four-member district, a candidate with about 10 % is unlikely to be elected and only candidates with more than 20 % of votes are guaranteed the seat, in the nine-member district, the 10 % minority will have a seat assured. This means that effective threshold is not set by any law, it exists naturally as an inherent feature of every electoral system. (OSCE ODIHR, 2014, p. 43) Generally, in the large districts (i.e. with high magnitude) the effective threshold will be equal or even lower than legal threshold, while in constituencies with small number of mandates it will be the opposite.

In this regard, the reasonably large districts have potential to encourage parties to nominate candidates from minorities addressing a larger scale of the electorate, and thus increasing their electoral chances. (ACE, 2016b)

Formal threshold is the legally set minimum share of votes which is required to be eligible for the process of seat allocation. However, surpassing the threshold alone does not guarantee any seat. Usually, it is expressed as a percentage of votes cast either at the constituency or national level (or both), but it can also take a form of *electoral quorum* – a minimum number of votes cast for the candidate. Thresholds most often apply to individual parties, but specific criteria can be set also for alliances, minority, or independent candidates, as it is the case in Germany or Serbia where ethnic minorities have an exception from the nationally applied 5 % threshold.

Formal threshold is often used in the systems of proportional representation, especially in List Party systems with large electoral constituencies. (OSCE ODIHR, 2013, p. 17) The reason behind the legal threshold is to eliminate fragmentation of party system and of the legislature which makes legislative negotiations and functioning of the body complicated and tending to a system deadlock. (Blanc et al., 2006, p. 57) Existence of formal threshold often keeps small extremist parties out of the legislative influence. However, this often applies to minority parties as well. On the other hand, on the pre-electoral level it stimulates cooperation of parties and formation of electoral coalitions.

The use of legal threshold all around the world varies considerably. Besides, the countries using proportional system without any legal threshold, such as Finland, Macedonia, Portugal, South Africa, the arrangements range from 0.67 per cent in the Netherlands (which is technically the effective threshold of single national constituency with 150 mandates) to controversial 10 per cent in Turkey, standing on another extreme end of the notional scale.

The high threshold increases the potential of disproportional results and the amount of wasted votes. On the other hand, if the threshold is too low or none at all, the possibility of fragmentation increases. Therefore, the optimal threshold should lay somewhere in between, depending on the specific circumstances. In this regard, the threshold is usually about 3 % to 5 % for individual parties, but can differ for alliances, independent or minority candidates. The arrangements also differ according to the level on which the threshold is applied. While the Czech Republic

uses a threshold on the national level⁵⁰, in Spain, the threshold on the level of constituencies is used. Sweden represents the case of combination of both types.

Usually, the threshold is set reasonably with a respect to party system and the performance of political system. However, in some cases the threshold is so high that it reduces opportunities for equal electoral competition. To illustrate the negative consequences of such arrangement, we will have a closer look at the system of *Turkey* where the threshold of 10 % for parties – the highest in the world – applies on the national level since 1983. At that time, the justification for such a high threshold was to overcome fragmentation of political parties and to prevent multi-party coalitions. (ACE, 2016b; OSCE ODIHR, 2002) The parliamentary election of 2002 is often quoted as an example of extreme disproportionality and wasted votes resulting from the value of the threshold. Approximately 14,5 million votes (46,33 % votes!) were wasted since the parties failed to pass the threshold and were left out of the seat allocation, and thus without any representation in the parliament. (IPU, 2002) Consequently, the extreme amount of wasted votes led to a high overall level of disproportionality of results in 2002. Namely, the *Justice and Development Party (AKP)* won a majority of seats with less than 50 % votes. Nonetheless, in the following elections in 2007, 2011 and 2015 the effect of the threshold on the electoral outcome was limited, because the parties that received less than 10 % of the national vote did not reach the effective threshold anyway. (Louter, Lyons, 2015) Since overcoming such a high national threshold would be very complicated for the Kurdish minority concentrated in the central and eastern part of the country, the Kurdish candidates do not run on the party lists, but as independent candidates for whom the threshold does not apply. Therefore, they manage to secure certain number of seats in the assembly.

In practice, in consequence of the effective threshold the final allocation of seats can be disproportional, often negatively affecting small parties and preventing them from winning seats. The same is true for legal threshold applied on the constituency level. In that respect, Jarett Blanc et al. mention “*a deviation from the principle of equal suffrage is introduced.*” (Blanc et al., 2006, p. 57)

With a regard to minority representation, “*a very low threshold, or the complete elimination of a formal threshold, in PR systems can also facilitate the representation of*

⁵⁰ For the elections to the Chamber of Deputies of the Parliament of the Czech Republic, the national threshold of 5 per cent applies for parties, 10 per cent for two-party alliances, 15 per cent for three-party alliances and 20 per cent for alliances of four and more parties.

hitherto under-represented or unrepresented groups by encouraging the formation of parties specifically representing them.” (ACE, 2016b) Likewise, the *Lund Recommendation on Elections No. 9* (OSCE ODIHR, 2003; OSCE HCNM, 1999) suggests to set lower numerical thresholds as one of the proposed mechanisms enhancing the representation of minorities. Also in the context of post-conflict societies or emerging democracies, *“there may be good reasons for keeping the threshold low until a party system has been established. After a conflict, the parties often represent the groups that were parties to the conflict, and parties promoting dialogue and reconciliation may be weak”* (Blanc et al., 2006, p. 58)

5.2.3 Reserved Seats and Communal Rolls

If a society is polarized along majority-minority lines and this issue is also reflected in politics, the minority may find it difficult, if not impossible, to elect the representative, especially when the electoral system uses small districts. Therefore, when minorities fail to get into elected bodies “naturally”, through the general electoral provisions, special measures can be taken to achieve the desired representativeness of the legislature. Unlike deliberate manipulation of electoral districts which is based on certain level of geographical concentration, mechanisms of *reserved seats* and separate *communal rolls* can easily aim at the specific, geographically dispersed societal groups, and thus reinforce inclusion of women, groups of specific interest, expatriate citizens, etc.

Mechanism of reserved seats is, respectively has been, a part of electoral arrangements in a number of countries all around the world. While in Europe, namely in Croatia, Kosovo, Slovenia, Romania, the seats are often reserved for ethno-national or language minorities, in Middle East region and Asia (e.g. in the Palestinian Authority, Jordan, Pakistan, etc.) it protects religious groups. Elsewhere it was adopted with an intention of representation of indigenous tribes, ethnic and racial minorities, specific groups, such as castes in India, or to ensure geographical communal representation. (Reynolds, 2007, p. 47; Reilly, Reynolds, 1999, p. 41; Blanc et al., 2006, p. 80; Reynolds, 2006, p. 18)

5.2.3.1 Reserved seats and quotas

Among the most common mechanisms to ensure group representation, especially in plurality-majority systems, we can find the instrument of *reserved seats* (also called *quota seats*). Usually the same electoral rules apply to election of majority and minority candidates, but additionally a certain minimum number of seats in the legislative body is guaranteed for minorities recognized by the electoral law. (Reilly, Reynolds, 1999, p. 41)

There are few ways to put reserved seat mechanism into practice. Firstly, certain number of reserved seats may be set aside. Parties or individual candidates may be required to declare their group identity, or at least those willing to compete for the minority seats have to openly declare their group affiliation. Subsequently, voters can cast their vote for any party/candidate regardless of affiliation. (Blanc et al., 2006, p. 80) The minority candidates with the highest share of votes will take the reserved seats. In this way, seats for *identifiable* minorities are reserved for example for “black” population in Colombia, for the representatives of Christians and Circassians in Jordan, the Tuaregs in Niger, the representatives of women and religious minorities in Pakistan, the non-indigenous minorities in Samoa, and for the aboriginal community in Taiwan.⁵¹ (Reynolds et al., 2005, p. 122) In Palestine, the representation of minorities was one of the most important issues discussed during the process of electoral reform. As a result, seven seats were reserved for the Christians and Samaritans within the newly adopted Block vote system – six of them for the Christians in the four districts with their highest concentration, and one for the Samaritans in Nablus. (Ellis, 2005)

Secondly, it is to set by the law either an absolute number or a representation *quota* which defines a minimum share or a number within the total amount (candidates on the party list, representatives in the assembly, etc.) that is to be occupied by the candidates with certain characteristic.

Disadvantage related to reserved seats lies in the fact that majority voters can also cast their votes for the minority candidate, and thus influence who represent the

⁵¹ All these – and some more which were already verified and put into the right category – countries are listed by IDEA as “reserved seats” examples. (Reynolds et al., 2005, p. 122) Nevertheless, it is possible that some of them are rather examples of *communal roll* which is described below. The reason for this is that in the quoted part, no distinction is made within two variants and both are mentioned as “ways to enhance representation of minorities.” Please, take it into account.

minorities (however, it also works vice versa). From a different point of view, this can be seen as a step towards mitigation of existing cleavages.

Although gender quotas are rather a controversial mechanisms, which should always be used as a temporary solution, they usually bring desired effects and shift towards equal representation. The use of quotas and reserved seats is often discussed in relation to efforts for increasing representation of women in politics. Their use for ensuring representation of other politically underrepresented groups (i.e. persons with disabilities) and minorities works in the same way. (Larserud, Taphorn, 2007, p. 19) Particular consideration should be made about the representation of minority women, who are usually the most underrepresented suffering from multiple discrimination – minority and gender – and thus in need of a particular attention. (Reynolds, 2006, p. 25) When considering the establishment of quotas, a choice can be made among three types: *legal quotas*, which can be either (1) constitutional, or (2) legislative (introduced by the electoral law), and (3) *voluntary party quotas*. (ACE, 2013a)

The use of the legislative quota can be illustrated on well-described example presented by J. Blanc et al. (Blanc et al., 2006, p. 80):

“For example, if there is a requirement that at least two out of ten seats in a constituency is to be filled from a minority, there cannot be more than eight majority candidates elected. The seats are distributed one by one. If the first eight seats are filled by candidates from the majority, which is likely if the parties tend to nominate majority candidates on top of their lists, the ninth mandate must be awarded to a minority candidate. Therefore, the party next in line to win a seat will have to fill it by a minority candidate. If the party does not have a minority candidate on its list, it will lose the seat.”

There are several ways the quota-based representation can be implemented. They can be either applied during the nomination process of candidates or be result-based. (Larserud, Taphorn, 2007, p. 8) Particularly, List PR, MMP and Parallel systems using party lists can effectively accommodate minority representation requirements within the candidate list. (ACE, 2012) Some countries even determine the structure of the list or positions where these candidates should be placed in order to ensure their real chance to be elected. In Argentina and Costa Rica it is set as 30, respectively 40 per cent in winnable positions, in Belgium the top two candidates must be each of different sex, in Macedonia at least 30 per cent of the candidates on each list must be of a different sex. (Reynolds et al., 2005, p. 121; IPU, 2016c)

Alternatively, political parties may voluntarily adopt internal candidate quotas for women which is actually the most common mechanism used to promote women's participation in the political arena. Voluntary party quotas for candidates has been used worldwide, from parties in Argentina, Bolivia, and Mexico through Southern-African ANC, to European labour parties. (Reynolds et al., 2005, p. 121)

Interesting and progressive example of the use of reserved seats is the case of the Chamber of Deputies of Rwanda which adopted quotas for women and persons with disabilities. Out of 80 members, 53 are elected directly by proportional representation, 27 seats are reserved for special interest groups elected indirectly – 24 women representatives elected by electoral colleges from each Province and the City of Kigali, 2 youth representatives elected by the National Youth Council; and 1 member elected by the *Federation of the Associations of the Disabled*. Since 2013, the Chamber of Deputies comprises of 29 men deputies and 51 women (23 holding general seats, 24 reserved seats and 1 representing youth). (IPU, 2014) With 51 out of 80 (63,75 %) of its members being women, the Rwandan Chamber of Deputies has a higher share of women representatives than any other lower legislative chamber in the world. (IPU, 2016d)

Besides, representation provisions can also be defined as a combination of quota and reserved seats, as it is in Afghanistan (two women for each of the 32 provinces, or approximately 25 per cent of mandates), or in Uganda (one woman for each of the 56 districts, or approximately 18 per cent of seats).

Another way to ensure reserved seats is called *communal roll*, in which only members of particular minority can decide about the representatives for these seats; this arrangement is explained afterwards (see below).

5.2.3.2 Communal Roll

Communal roll, sometimes referred to as *group-based*, *minority districts*, or *ethnic district* extends the concept of reserved seats. It expands the communal idea on the entire system of parliamentary representation and thus explicitly recognizes importance of the communal group. (Reilly, Reynolds, 1999, p. 40; Blanc et al., 2006, p. 81) Communal roll requires groups to be clearly defined and to distribute the seats in appropriate way among them, which is one of the biggest challenges of this type of

arrangement. Subsequently, every defined community votes in its own electoral roll where only members of the group can run for the office. However, here arise the main controversies: Firstly, *which groups should be officially recognized as deserving guaranteed representation?* And secondly, *how to assign the voters to these predetermined groups?* This could impose complications especially in the case of ethnically divided societies where the cleavage is often not clear. (Lijphart, 2003, p. 117) Probably the most significant case of Rwanda at the beginning of 1990s showed that registering people according to their ethnicity is not only controversial, but sometimes can lead to fatal consequences. For this reasons, Arend Lijphart recommends to use rather the *optional* communal districts. (Lijphart, 2003, p. 118)

When searching for examples, we will find many from the colonial era, including India, Burma, or (Southern) Rhodesia where communal seats often ensured privileged position of colonizers or certain minorities. Later on after the Second World War, the separate communal rolls became a part of power-sharing solutions for ending internal conflicts. Most famous examples from this period are Lebanon power-sharing arrangements established by the 1943 Constitution, the constitutional provisions adopted in Cyprus in 1960⁵², or Zimbabwe 1980-1987⁵³. These arrangements were “rediscovered” in 1990s and were put in practice as a part of peace settlement in Bosnia and Herzegovina and Kosovo. (Reynolds, 2006, p. 19) However, as evidence has gradually showed that *“communal electorates, while guaranteeing group representation, often had the perverse effect of undermining the path of accommodation between different groups, since there were no incentives for political intermixing between communities”*, these communal arrangements were abandoned in most of the countries. (Reilly, Reynolds, 1999, p. 40; ACE, 2016b) Communal constituencies were inherent feature of Fijian electoral system since its

⁵² The 1960 Constitution determines two national communities – Greek and Turkish Cypriots – and includes provisions to ensure non-discrimination against any of them. Consequences for the electoral systems arise from the Article 62 according to which *“two-thirds of the Representatives [are] elected by the Greek Community and two-thirds of the Representatives elected by the Turkish Community”*. In practice, 56 members are elected by the Greek-Cypriot community while 24 are elected by the Turkish-Cypriot community (seats vacant since 1964 when the Turkish Cypriot representatives withdrew from the House). (The Republic of Cyprus, 1960)

⁵³ According to the Constitution of Zimbabwe reserved one fifth of the seats in Parliament for the white minority, until these were abolished by constitutional amendment in 1987. The House of Assembly of Zimbabwe consisted at this time of 100 seats, of which 20 were reserved for white voters, and the remaining 80 were elected on a 'common roll' consisting of all adult citizens except those on the white roll. This was used in two elections: Southern Rhodesian general election, 1980, and Zimbabwean parliamentary election, 1985. (The Republic of Zimbabwe, 2005)

introduction by the British colonial authorities in 1904, maintained also after Fiji's independence in 1970 until the adoption of the new Constitution in 2013, which abolished all communal constituencies and established a single national electoral roll. (The Republic of Fiji, 2013) Nowadays their use is limited to few countries – among them Bosnia and Herzegovina⁵⁴, probably the most discussed case of communal arrangements, then Croatia (eight members representing ethnic and national minorities⁵⁵), Cyprus, India (members of the certain tribes and castes), Slovenia (two representatives of the Hungarian and Italian-speaking minorities), or New Zealand (Maori). While in most of these countries, the mechanism is effectively used, in Cyprus it is rather compromised in a consequence of persisting conflict between Greek and Turkish Cypriots.

New Zealand represents the case of practical implementation of communal roll arrangement ensuring representation of the indigenous population. Its use dates back to 1867 when the *Maori Representation Act* was adopted and established four seats solely for Maori voters. Although it was supposed to be only a temporary solution, it remained a distinctive feature of New Zealand's electoral system until this day.⁵⁶ In 1975, the "Maori electoral option" was introduced and gave voters of Maori descent the choice of whether they enrolled in general or Maori roll. For the first time since its

⁵⁴ Despite the fact that the case of power-sharing arrangements in Bosnia and Herzegovina are probably the best known and most often analysed and quoted example of deliberate electoral and political design focusing on minority participation and representation, it will not be particularly addressed by this work. Much has been said and written in this regard, therefore interested reader can easily access abundant literature and studies. The space will be rather dedicated to less known examples.

⁵⁵ According to the *Act on Election of Representatives to the Croatian Parliament*, Articles 15 and 16: "The members of national minorities in the Republic of Croatia shall have the right to elect eight representatives to the Parliament, who shall be elected in a special constituency being the territory of the Republic of Croatia." Members of the Serbian national minority shall elect three representatives; the Hungarian national minority one; Italian national minority one; Czech and Slovakian national minority shall together elect one; Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minority shall together elect one; and Members of Albanian, Bosnian, Montenegrin, Macedonian and Slovenian national minority shall together elect one representative to Parliament. (Croatian Parliament, 2016)

⁵⁶ However, for many decades the Maori system was neglected, elections were organized in its own way and electoral standards differed considerably comparing to the European system. From 1890s until 1975 only so called half-castes (people with one Maori and one European parent) were allowed to choose if they want to cast their vote in the Maori, or European roll. In 1967 Maori were allowed to stand for election in European seats, and eight years later the "Maori electoral option" was introduced. This enabled electors of Maori descent to choose whether they enrolled in general or Maori roll. Despite the calls from the electoral reform commission working at the turn of the 1980s and 1990s for adoption MMP system alongside with abolition of Maori roll, claiming that Maori population can achieve better representation through proportional representation, Maori seats were kept also as a part of newly adopted MMP. (Ministry for Culture and Heritage, New Zealand, 2016)

establishment, the number of Maori seats was extended to five for the 1996 elections run newly under MMP. In 2002 another two seats were added making it a total number of seven representatives elected from the Maori roll – this number has been kept unchanged for elections in 2008, 2011 and 2014. (Ministry for Culture and Heritage, New Zealand, 2016) However, there is another interesting thing to be mentioned in regard to the group representation. When the commission on electoral reform proposed MMP, it envisaged its possible consequences for more effective representation of the Maori, but also Asian and Pacific minority and women. This actually happened and the proportion of members of parliament coming from these groups has risen. (Reynolds et al., 2005, p. 103) Concerning Maori representation, this might be partly a result of the fact that many Maori choose to vote in the general roll, which results in election of some more Maori MPs from the general roll. It might be partly a strategic behaviour reflecting the fact that Maori representatives have seats reserved anyway and the general roll offers possibility to elect some more or cast a vote for preferred majority candidate.

Worldwide evidence shows that *reserved seats* and *communal rolls* effectively ease access of minorities to the representative bodies. Nonetheless, it stays true that these arrangements themselves cannot ensure the voices of elected minority representatives being truly taken into consideration. Even though a certain amount of representatives can be elected this way, in case of very small groups, it may not bring any real influence on decision-making. Precisely for the reason of creating unreal notion of inclusion of minorities into decision-making, these institutions are sometimes argued to be counter-productive. (Reynolds, 2007, p. 48, Reilly, Reynolds, 1999, p. 42) Therefore, for example A. Reynolds argue for “*a potentially more effective way of including minority voices*” – overrepresentation of minority groups. (Reynolds, 2007, p. 48; Blanc et al., 2006, p. 81) This can be achieved by exaggeration of number of allocated group seats within the mechanism.

Moreover, if the communal groups are large, or if tensions between groups have a conflict potential, seat allocation can turn into a very delicate issue exacerbating mistrust between the groups with a destabilizing potential for the country. Due to these obstacles reserved seats and communal rolls, as well as all other mechanisms, should always be a subject of deep and thoroughgoing considerations.

5.2.4 Nomination of Candidates and Ballot Lists

The requirements for the nomination of candidates, the structure of the list of party candidates, the design of the ballot list, and the preferential voting option are another important institutional arrangements which are determined within the electoral engineering.

5.2.4.1 Types of candidate lists

When talking about party/candidate lists, we should start with a simple question: *Why and how does the candidate list matter?* First of all, the lists can be free, open or closed, which itself does not affect the distribution of seats among parties, but determines the option voter has in relation to supporting particular candidates. The *closed list* is the most common variant of the lists used worldwide. (ACE, 2016b) It gives voters no choice to express their preference about individual representatives since it is the party which decides the order of its candidates. Such list should always be made public, so the voters know who the candidates with a possibility of being elected (i.e. placed in winnable positions) are. Once seats are allocated to party, they are given to the candidates in order they are nominated on the list. However, this opens a large space for inter-party competition and manipulation and takes choices out of voters' hands. Another negative aspect of closed lists is that they are unresponsive to rapid changes, such as withdrawal of candidature, unexpected death of a candidate, corruption scandals, etc.

Open lists mean that the voters can influence who, out of the candidates nominated by the party, will be elected. The open list variants range considerably giving voters varying amount of influence. Ranging from a single extra vote available in the moderate form, through a small number of votes to distribute among candidates, or partly fixed order of candidates⁵⁷, up to a possibility to determine completely the order of candidates. Some forms even offer option to strike out unwanted candidates. (Blanc et al., 2006, p. 58) In this respect, there are many

⁵⁷ This refers to so called *arbitrary lists*. Political parties may put their candidates on the list in a fixed place, and may leave some places on the list empty, and some candidates unplaced available for preference votes.

options available, among them also the alternative of simple voting for the party as a whole, without expressing a preference for individual candidates.

Other interesting alternative to be considered is the category of *free lists*, which are technically a variation of open lists. The use of open and free lists is often referred to as a *preferential voting*. So called *panachage* extends voter's choice beyond the party list, and allows to vote for candidates across different party lists. It is used at various levels of elections in many countries of the world, for example in the parliamentary elections in Ecuador or El Salvador. Since 2005, panachage is also used in election to the National Congress in Honduras. (Lublin, 2016) In recent years, El Salvador has adopted two changes related to the balloting procedure. First, in 2012 the use of closed lists was abandoned. Second, for elections in 2015 the voters' choice were further extended by introduction of panachage, i.e. free list option.

Since some of the provisions were new, and especially misunderstanding of panachage could lead to wasted votes, comprehensive instructions clearly describing and visualizing all options and district boundaries were issued for voters (see below). Five options available for voters in legislative elections:

1. *"Vote solely for the list of a party or coalition;*
2. *Vote for a list and mark the photo of "one, various, or all the candidates" on that list;*
3. *Mark the photo of "one, various, or all the candidates" in one list (without also indicating a list vote);*
4. *Mark candidates of "distinct political parties or coalition" or candidates of "distinct parties and a non-party candidate", not exceeding the total number of deputies elected from the district;*
5. *Mark the photo of a non-party candidate."* (Shugart, 2015)

It is the option no. 4 that establishes the possibility of panachage.

However, effects of these new arrangements are still to be seen since it takes several elections for both voters and the party system to adapt to it. As Matthew Sørberg Shugart⁵⁸ notes, *"it will be interesting to see if the move to an electoral system allowing cross-party voting for the first time begins to break down El Salvador's remarkably rigid partisan lines."* (Shugart, 2015) Nevertheless, it seems that new provisions could open space for better participation and representation of indigenous Amerindian minority which is neglected on the long-term basis.

⁵⁸ Matthew Sørberg Shugart is a professor of political science at the University of California. He is an expert on the subjects of electoral systems and constitutional design, particularly with regard to the region of Latin America.

Figure 7: Election instructions, El Salvador 2015

Papeleta del departamento de **CABAÑAS**

VOTAR ¡ES FÁCIL! ESTE 1º DE MARZO

por diputadas y diputados a la Asamblea Legislativa

1 Marca la bandera de un partido político o una o dos banderas de un partido en coalición.

4 Marca una de las modalidades de voto cruzado sin pasarte del número de diputaciones que le corresponden a tu departamento:

a) Marca candidaturas de distintos partidos políticos y coalición.
b) Marca candidaturas de partidos políticos, coalición y candidatura no partidaria.

Cantidad de diputaciones que corresponden a cada Departamento:

2 Marca la bandera de un partido político o coalición y la fotografía de una, varias o todas las candidaturas.

5 Marca la fotografía de candidatura no partidaria.

3 Marca la fotografía de una, varias o todas las candidaturas de un partido o coalición.

Podrás votar si tu DUI vence entre el 1 de enero y el 14 de abril de 2015.

Source: Shugart, 2015

A possibility to cumulate votes for a single or more highly favoured candidate(s) represents another additional measure. In practice, the voter has as many votes as there are seats to be filled and can distribute them according to her/his preferences,

and alternatively to give them all to a single highly preferred candidate. The method of *cumulative vote* can also effectively concentrate minority votes and thus enhance election of minority representatives. (Sartori, 2001) Moreover, some systems, such as in Ecuador, Luxembourg or Switzerland⁵⁹, give voters practically unlimited choice by giving them as many votes as there are seats to be filled and allow to distribute them to candidates across different party lists, or within a single one (i.e. they combine panachage and cumulative vote). (ACE, 2016b) When minority candidates are nominated by various parties, panachage can help voters to maximize minority representation by supporting candidates across party lines.

5.2.4.2 The structure and design of ballot papers

Another important feature of every electoral process which has significant consequences for the level of inclusion and equal treatment of voters, as well as for the amount of wasted votes and the administration of elections, is the structure and design of the ballot papers. Regardless other criteria, the ballot (and voting procedure) should always be maximally “user-friendly”, clearly understandable and reflecting the capacity of voters, strive for the fulfilment of the key principle of equal access to elections, and eliminate any kind of discrimination. (Reynolds, 2006, p. 26)

Countries with a higher level of illiteracy, and voters with lower education, or with population speaking many different language(s) often adopt special graphic measures, such as the use of colours, symbols for parties, and photographs of candidates. Even such simple measures can considerably increase understanding and inclusiveness of the electoral process and consequently lead to higher voters’ turnout.

The structure and design of ballot papers varies according to specific national circumstances and eventual use of specific mechanisms, however it depends, above all, on the requirements of the electoral system used. To illustrate options in the format and design of ballots, their advantages and disadvantages, we will have a look on several examples of ballot papers from all around the world⁶⁰.

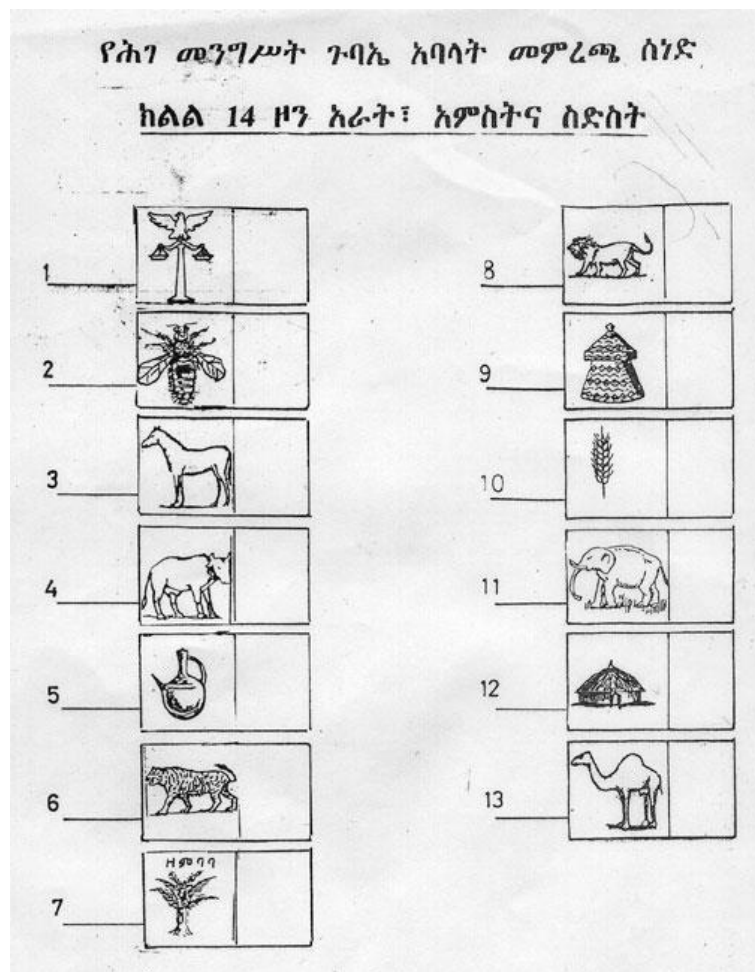
Starting from the ballot papers which are used in the systems of First Past the Post and in the Two-round system we can see the simple, easy to understand and to

⁵⁹ In Switzerland, voters may use *panachage*, cumulate votes and strike out the names of some candidates (*Streichen* or *Reihen* in German, *latoisage* in French). (Reynolds et al., 2005, p. 84)

⁶⁰ The examples were kindly provided by Prof. Andrew Reynolds, from his personal database which is partly available online at <<http://reynolds.web.unc.edu/ballots/>> (see Reynolds, 2016).

mark voter's choice. In these systems, the amount of candidates running for a seat in a district is usually quite small allowing extensive use of photos and symbols, which in some cases completely substitute use of written text. This is important especially with regard to the fact that FPTP is used in many countries with a lower level of education or in countries where many languages are spoken. Furthermore, such ballots are easy and cheap to print⁶¹, and FPTP is also easy to count which is very advantageous for the election administration process.

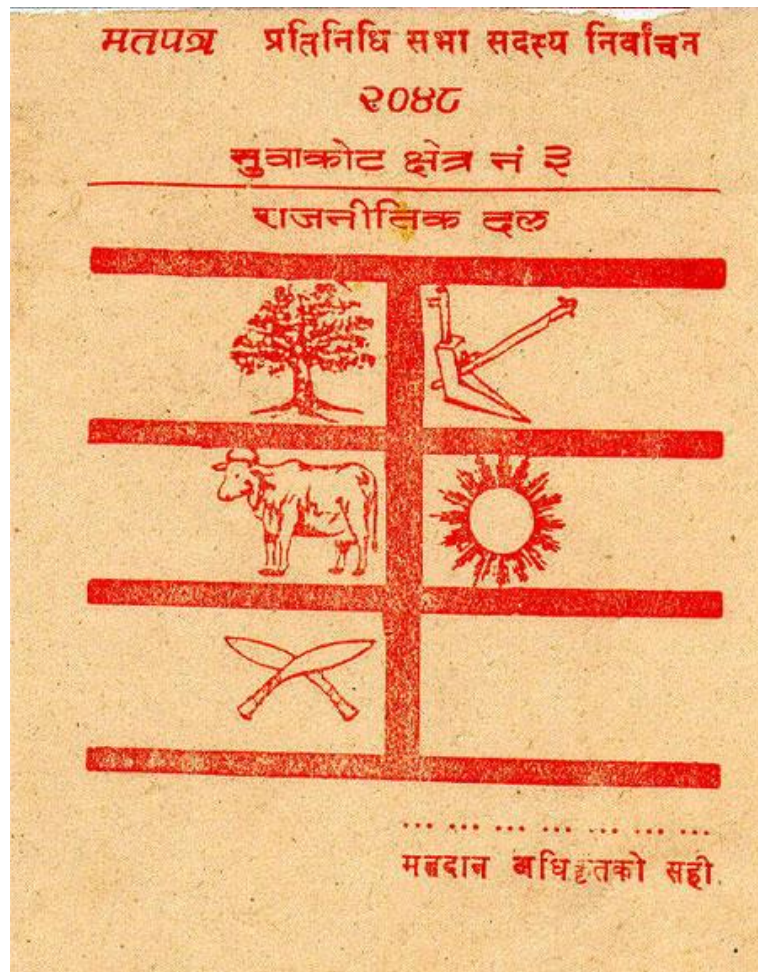
Figure 8: Ballot paper used for the House of representative elections, Ethiopia



Source: Reynolds, 2016

⁶¹ However, in case of need to organize second round in TRS, new ballot papers have to be printed for the second round of voting. This doubles the expenses on ballot production and demands sufficient time interval for printing before the second round. (ACE, 2016b)

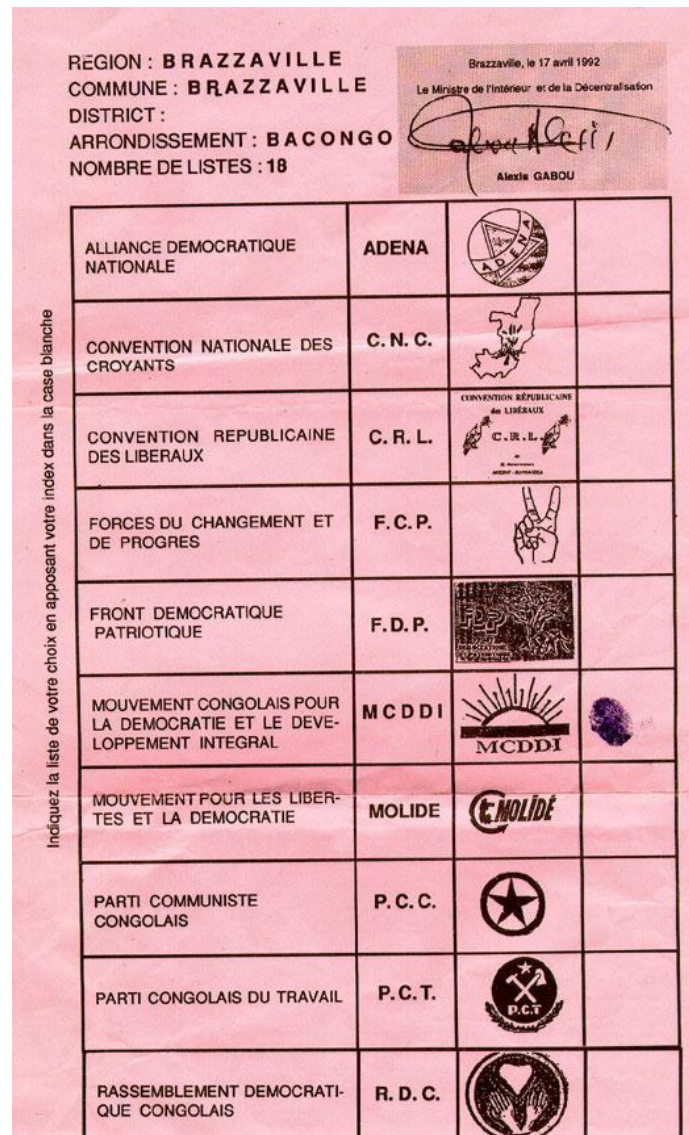
Figure 9: Ballot paper used for parliamentary elections, Nepal



Source: Reynolds, 2016

Ethiopian and Nepali ballot are designed for ethnically population using multiple languages, which is also distinguished by low level of literacy. Therefore the use of written text is limited. The written names of the candidates are replaced by visual symbols referring to the candidates. The ballots demonstrate a high level of simplicity which is within the context of both countries needed. They work under FPTP, where only one option is to be marked, which can be done by fingerprint, ticking off, or rounding candidate depending on given requirements. Not only is the ballot easy to mark, it is also easy to count. Also from the election administration's point of view, printed production of this type of ballot is among the cheapest and quickest. The disadvantage is that the voters have to somehow get information about the meaning of the symbols used.

Figure 10: Ballot paper used for legislative elections in the Republic of the Congo



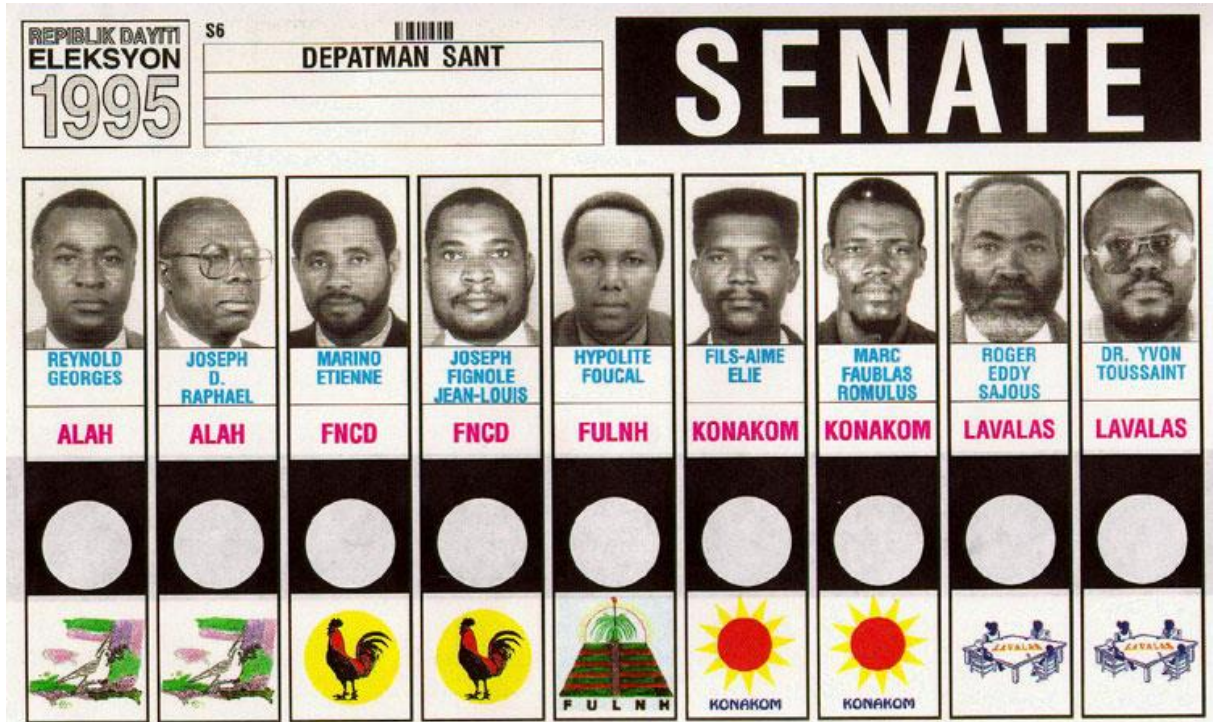
Source: Reynolds, 2016

The ballot used in the Republic of the Congo is bit more complex. It includes also the names of parties and their abbreviations, their symbol and even some election administration information (see the heading). The information on the left side of the paper gives voters instruction that their choice should be marked in the empty box next by the index finger print. Unlike Ethiopian or Nepali ballot, Congolese one includes the name of the candidate, so no further specification is needed. However, with regard to administration, it is equally simple to use, count and produce.

The format of ballots used under TRS resembles the one used in FPTP – the ballot for the first round can be practically the same (compare to the ballot from the Republic of the Congo), on the top of that it includes photos of candidates. The ballot

used for the second round is practically the same, only the number of options is restricted, usually to two most successful candidates of the first round.

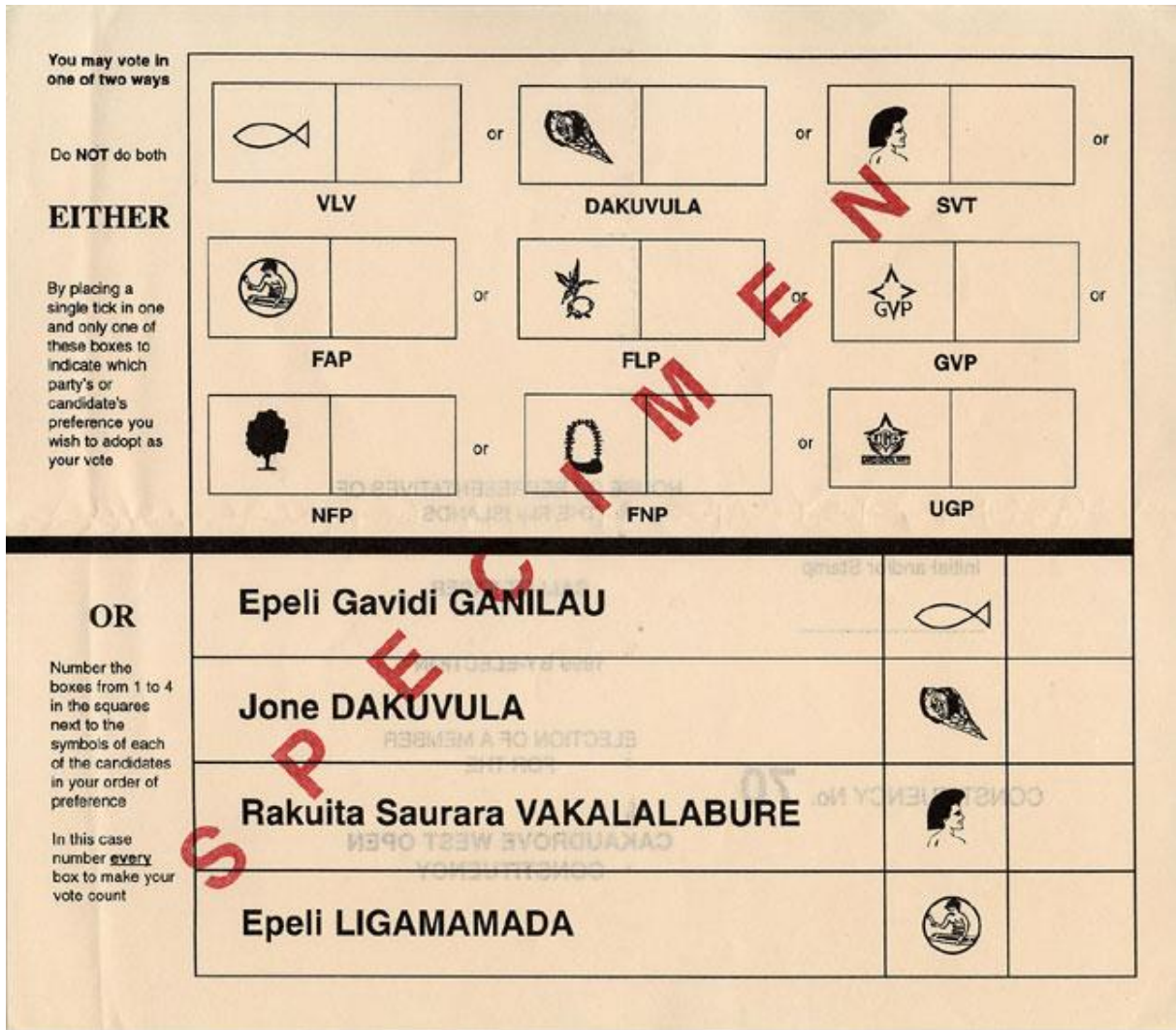
Figure 11: Ballot paper used in the first round of elections to the Senate, Haiti 1995



Source: Reynolds, 2016

Although the ballot for Alternative vote is more complicated, it also deals with relatively small number of candidates. This enables to utilize the symbols and photos. The electoral system in Fiji gives voter the choice between two ways to vote – either placing a single tick in the upper part of the ballot paper, or voting in the lower part of the ballot by alternative vote, i.e. by ranking candidates with numbers. In order to prevent misunderstanding leading to invalid votes, clear information is provided on the left side of the paper. Since the number of candidates is rather low, the ballot is clearly arranged and as such should be easy to count, although the counting procedure is more complex and longer.

Figure 12: Ballot paper used in Fiji



Source: Reynolds, 2016

Secondly, Mixed Member Proportional system and Parallel system use two (or more) different electoral systems which bring not only higher expenses of ballot production, but more importantly logistical implications. Voters have to be provided with clear and understandable instructions about the balloting procedure, and the right way to mark their choices on ballots (see example of such instructions from New Zealand in chapter 5.2.5.3). Also election administrators have to be trained in assessing and counting votes, because with a higher complexity of ballot structure, the danger of potential mistakes raises. (ACE, 2016b) On the following paper you can see that the voter has to put one tick in the part “Party vote” (List PR part) and one tick in the “Electorate vote” (FPTP part). Since New Zealand does not have to deal with illiteracy issues, the candidates are presented by their names (and party

affiliation). Although the system is more complex, the ballot is still relatively easy to understand and use.

Figure 13: Ballot paper used for parliamentary election (MMP) in New Zealand

OFFICIAL MARK

[Consecutive Number]

YOU HAVE 2 VOTES

PARTY VOTE						ELECTORATE VOTE
<p><i>Explanation</i> This vote decides the share of seats which each of the parties listed below will have in Parliament. Vote by putting a tick in the circle immediately after the party you choose.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Vote here</p>	<p>Vote here</p>		<p><i>Explanation</i> This vote decides the candidate who will be elected Member of Parliament for the [insert name] ELECTORATE. Vote by putting a tick in the circle immediately before the candidate you choose.</p>
Vote for only one party						Vote for only one candidate
LABOUR	●					ALLEN, Fred LABOUR
ACT NEW ZEALAND	●					BARKER, Mary ACT NEW ZEALAND
NATIONAL	●					DENIS, Alistair NATIONAL
ALLIANCE	●					ELLIS, John ALLIANCE
THE GREENS, THE GREEN PARTY OF AOTEAROA/NEW ZEALAND	●					GREIG, Tony THE GREENS, THE GREEN PARTY OF AOTEAROA/NEW ZEALAND
NZ FIRST	●					ILLOTT, Anne NZ FIRST
ROC	●					MARTIN, Hamish ROC
CHRISTIAN DEMOCRATS	●					NEMETH, Elizabeth CHRISTIAN DEMOCRATS
UNITED NZ	●					OSBERT, Sebastian UNITED NZ
CHRISTIAN HERITAGE PARTY OF NEW ZEALAND	●					PEOPLES, Wendy CHRISTIAN HERITAGE PARTY OF NEW ZEALAND
McGILLICUDDY SERIOUS	●					QUENTIN, Oliver McGILLICUDDY SERIOUS
TE TAWHARAU	●					RAWIRI, Whare TE TAWHARAU
REPUBLICAN PARTY	●					ROSS, Arthur REPUBLICAN PARTY
DEMOCRATS	●					RUSCOE, Noel DEMOCRATS
	●					SMITH, Eugene INDEPENDENT
ADVANCE NZ	●					TULIP, Belinda ADVANCE NZ
CONSERVATIVE	●					
SOCIAL DEMOCRATS	●					
SUPERANNUITANTS PARTY	●					
	●					
	●					
	●					
	●					

[insert party logo (if registered) to the left of the name of the party.]

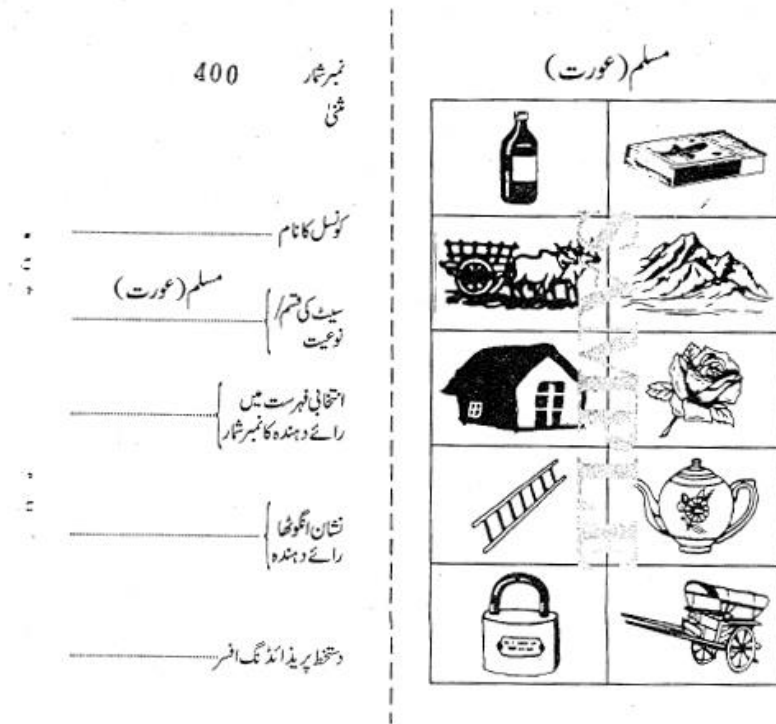
[insert party logo (if registered) to the right of the name of the candidate.]

Final Directions

1. If you spoil this ballot paper, return it to the officer who issued it and apply for a new ballot paper.
2. After voting, fold this ballot paper so that its contents cannot be seen and place it in the ballot box.
3. You must not take this ballot paper out of the polling booth.

Source: Reynolds, 2016

Figure 14: Ballot paper used for the elections of National Assembly (Parallel system), Pakistan



Source: Reynolds, 2016

While the MMP ballot used in New Zealand is very complex and provides clear instructions to voters, the ballot paper for the parallel system in Pakistan is much simpler. Although from the point of balloting both systems work the same – voters have to mark one option in each part, the Pakistani voter gets much less information. Again, as in the case of Ethiopia and Nepal, the ballot has to deal with low level of education, therefore symbols are utilized instead of the names. Similarly, the disadvantage would be the need to provide the information about the meaning of the symbols and the correct way to mark the ballot.

Thirdly, the ballot papers used in Bloc vote, Borda count, Single Non-Transferable Vote and Single Transferable Vote have to deal effectively with a higher number of candidates (and therefore also – if they are used – with more photographs, symbols, etc.). This can be seen on one of the variants of ballot lists proposed for the 2013 elections in Lebanon, while STV ballot paper for Australian Senate demonstrate how to provide clear instructions and use visual navigational aids (arrows).

Figure 15: Example of the ballot designed for the 2013 election in Lebanon (Block vote)



Source: Muhanna, 2012

Last, and the most varied, type of the ballot paper is used in List PR systems. Here, the design and format is influenced by many factors, some of them mentioned above, and ranges significantly. The ballot can be simple in systems using closed lists, or quite complex in the open and free list systems allowing expression of more preferences or panachage.

On the following ballot used in the South African legislative election in 1994, you can see a possible structure of a closed list used in the List PR system. The ballot paper is also adjusted to the needs and capacities of the voters, therefore it contains



























not only the party name, but also its symbol and a photograph of the party leader. No names of individual candidates were indicated, since the individual candidates elected were predetermined by the parties. Voters, thus, simply choose the party they prefer. Nicaraguan ballot, on the contrary, lists also names of the candidates, although their order cannot be influenced by voters neither.

Figure 16: Closed ballot list, National Assembly elections, South Africa 1994

PROV 1994

Make your mark next to the party you choose.
Uza hachwisa pole mwagizi wa e o kigobeng.
Yenza uphawo wakako kumwawako kikiwawako.
Ithela enyango adhato ki wawo leri u ni hawawako.
Wayi wawawo ga abugata la kwato la gaga.
Yenza uphawo lakho ulawo rekhwawo eyikhwawo.

Please mark large the party you choose.
Dina hachwisa la gaga ga hachwisa la hachwisa wawo u ni hachwisa.
Kha uho la hachwisa kwawo la kwawo uho ni hachwisa.
Yenza uphawo wakako kumwawako kikiwawako.
Ithela enyango adhato ki wawo leri u ni hachwisa.
Wayi wawawo ga abugata la kwato la gaga.
Yenza uphawo lakho ulawo rekhwawo eyikhwawo.

PAN AFRICANIST CONGRESS OF AZANIA		PAC		
SOUTH AFRICAN WOMEN'S PARTY		SAWP		
THE GREEN PARTY		GRP		
VRYHEIDSFRONT – FREEDOM FRONT		VF-FF		
WES-KAAP FEDERALISTE PARTY		WKFP		
WORKERS INTERNATIONAL TO REBUILD THE FOURTH INTERNATIONAL (SA)		WI		
AFRICA MUSLIM PARTY		AMP		
AFRICAN CHRISTIAN DEMOCRATIC PARTY		ACDP		
AFRICAN DEMOCRATIC MOVEMENT		ADM		
AFRICAN NATIONAL CONGRESS		ANC		
DEMOCRATIC PARTY – DEMOKRATIESE PARTY		DP		
ISLAMIC PARTY		IP		
NATIONAL PARTY – NASIONALE PARTY		NP		

BALLOT PAPER
(Make a cross next to the party or organisation of your choice): Vote for **ONE** party only.
*This is a sample and not an official ballot paper.

W. CAPE **A Veetu Ballot Form** Shwano Phelelo 011 422-4171

Source: Reynolds, 2016

We have already mentioned El Salvador’s free list provisions and showed the electoral instruction about voter’s possible voting choices (see above in this chapter). On the ballot, the party symbols, candidates’ photos, names and party affiliation (as a symbol) are used. The voters have five different options to mark the ballot which makes more complicated to use – clear instructions are necessary. Consequently, the procedure of counting is more complicated and requires trained and attentive administrators.

Figure 17: Ballot list used for the legislative election, El Salvador 2015



Source: Reynolds, 2016

As shown above, the closed lists can effectively ensure minority and group representation. The closed lists offer more options for effective inclusion of minority and group candidates, who might otherwise have difficulty to be elected. These candidates can be either voluntarily or as a result of legislative requirements (quotas) nominated on winnable positions from which they cannot be strike off and cannot be outvoted by preferential votes cast for candidates beyond the group.

On the other hand, open lists give voters' bigger freedom of choice and voters themselves may decide to vote for a competent or charismatic minority candidate. Sometimes, even higher number of such candidates can be elected in the regular way, without controversy related to quota system. Furthermore, the opportunities could be even bigger when panachage and cumulative vote are utilized.

Ballot examples clearly demonstrate that while deliberate choice of the most appropriate electoral system for each country is important, "smaller" measures such as the design of ballot should not be neglected since they may be crucial for confidence towards the system, election turnout and related legitimacy of the results. Use of visual aids, colours, symbols and photos can considerably enlarge illiterate and uneducated voters' understanding of ballot and characteristics of candidates. Especially in more complicated systems such as MMP, Parallel system, Alternative vote, or STV where the requirements on ballot marking are comprehensive, they need to be accompanied by clear instructions.

5.2.5 Further Considerations on Minority and Group Representation

Besides above described system variables and possible adaptation of ballot design, there are many other areas which deserve further considerations. Other areas which are worth mentioning within the context of this work are voter's registration procedure, provisions for remote voting, and maybe bit less electoral-engineering related, but influential mechanisms of educational campaigns and information facilitating voters' understanding of importance of elections and rules guiding the electoral process.

5.2.5.1 Voter registration

In the countries, where the voters are not automatically registered, the voter registration process is of a great importance for accurate and transparent elections. As all other parts of the electoral system and election process, the voter registration should reflect and be adapted to local geographical, socio-economic and political conditions. The requirements on voters should be clearly stated by the electoral legislation, which should also ensure maximum transparency of the procedure, prevent unlawful intervention and manipulation with voters' register and guarantee

voters' data protection. IDEA's *International Electoral Standards* list six main issues related to the registration, which should be defined:

- Citizenship and age qualification;
- Residential qualification;
- Methods of voter registration;
- Process for dealing with objections and appeals;
- Identification of voters; and
- Documentation required by voters. (IDEA, 2002, p. 45)

However, if the legal framework makes it difficult to register, if the process is fraudulent or discriminatory in some way, the equal right to vote is violated and thus credibility of elections is undermined.

When deciding the above mentioned qualification requirements, factors such as literacy rate, availability of required documents, security and political environment, but also administrative and communication infrastructure or climate and geography, should be considered. (ACE, 2013b) Sensitive approach should be adopted towards declarations of affiliation which could be later abused in discriminatory manner – we could easily find a real experience of Roma people, Jews or among members of some ethnic minorities (Hutu and Tutsi in Rwanda). *Illiteracy* directly affects communication between voters and election officers, practically imposing limitation on distance registration, and reducing possibilities to personal registration of voters, alternatively requiring involvement of community leaders in facilitating registration. *“If the literacy rate is low, it may be best for election officers to fill out the forms for the people they are registering, either in door-to-door interviews or at registration centres.”* Literacy, should not pose any limits to accessing right to vote, and *“a voter registration form should not be a literacy test for registration”* (ACE, 2013b)

The problem of *unavailability of documents* required for the registration (i.e. birth certificates, marriage certificates, etc.) may be a problem in many developing countries, particularly in remote rural areas. In such cases, in order not to exclude voters, it is necessary to identify other sources of verification such as attestation of the local traditional authority or community leader about the person's eligibility. *“This is the practice in the Central African Republic, whereby a representative of the village council or the district council is required to issue a written testimony for potential registrants. Legal provisions were also made for people without the required documentation in South Sudan for the 2011 Referendum.”* (ACE, 2013b) Moreover,

documents can be unavailable also for other reasons. Particular challenges appear in conflict and post-conflict areas, where voters – *internally displaced persons* (IDPs) or *refugees* – have no documents or reside outside the country. For this reasons, residence requirements for voting should be reasonable and “*must not be imposed in such a way as to exclude IDPs from participating in elections*”. (OSCE ODIHR, 2013, p. 21) Mechanisms facilitating registration and electoral participation of such groups, including remote voting or possibility of registration and voting in refugee camps or elsewhere, should be established to ensure equal treatment of citizens and access to suffrage right.

Voters’ registration procedure should also reflect the time needed to provide enough space for voters to register (esp. in the first transitional election) and costs of the procedure as it can finally be the most expensive part of elections, posing a significant burden for a budget, especially for populous poor countries. (Reynolds et al., 2005, p. 126)

5.2.5.2 Remote voting

Besides the mechanism that affects all voters equally, there may be a legal provision for remote voting which targets particular groups of population (but not specifically minorities), such as persons with disabilities, citizens who are out of the country (e.g. refugees or expatriates), those who are hospitalized or imprisoned, and those who cannot come to the polling station for other valid reasons.

Examples of remote voting measures can be found in many countries world-wide, and include the use of the mobile ballot box, provisions for voting by proxy⁶², a voting by mail, a possibility to cast vote at embassies and consulate offices of the country, mobile or electronic voting mechanism. No matter which methods of remote voting are used, in all cases, adequate steps have to be made to prevent their possible abuse and frauds. It is also an essential rule that such provision should be non-discriminatory and must be always applied to all voters sharing the group characteristic.

The use of the mobile ballot box can effectively solve the access to election for elderly people or persons with disabilities within the country. Mechanisms of remote

⁶² Voting by proxy means that the voter appoints someone s/he trust to vote on her/his behalf. Usually, this procedure requires prior registration.

voting facilitating electoral participation of expatriates, refugees, displaced people, seasonal workers and others, have significant potential for countries with a large share of population living abroad, such as Iraq, Jordan, Lebanon, Mexico, Moldova, Philippines, Turkey and many others. Electronic voting offers greater accessibility for persons with disabilities, but it is demanding in terms of technology and security, and raises other possibilities for frauds.⁶³ (Davies, 2004) With an expanding possession of mobile phones in developing countries, and their use for various operations, including money transfers, future mobile voting could facilitate involvement of population living in remote areas. However, the question of voting security has to be taken into account and adequately solved.

Regarding to out-of-country voting, votes coming from citizens abroad can be either counted within one of the districts (Indonesia), included into the citizen's home district (New Zealand), added to the national vote totals when seats are allocated in a single nationwide district (the Netherlands), or there can be specific overseas districts established. (Reynolds et al., 2005, p. 125) Special *overseas constituencies* are used for example in Dominican Republic⁶⁴, Croatia, France⁶⁵, or Macedonia⁶⁶. They exist also in Tunisia whose diaspora counts almost a million members (approximately nine per cent of the population), about half of them living in France. In the first free post-Arab spring elections in 2011, 18 of the 271 members of the Constituent Assembly of Tunisia were elected in international districts – ten in France, three in Italy, one in Germany, two in the rest of Europe and North American countries and two in other Arab states. (Davies, 2011; Gulf Daily News, 2011)

In Ghana, the option of remote voting for citizens living abroad was unsolved until 2012 elections. Involvement of Ghanaian educated expatriates, mostly

⁶³ Electronic voting, also called Internet voting or *e-voting*, allows to “cast” vote online via Internet. In October 2005 Estonia became the first country to have legally binding general elections where the Internet as a means of casting the vote was used. Although it has already been more than 10 years since its first use for elections, for various (mostly security and technical) reasons it is still rather a mechanism of close future than common practices.

⁶⁴ “The Law stipulates that the Dominicans will be able to vote in the 2012 presidential elections and for seven overseas deputies, with two representatives in the Caribbean basin and Latin America; three in the United States and Canada, and two in Europe.” (Dominican Today, 2011)

⁶⁵ Eleven out of 577 members of Assemblée nationale represent French citizens living abroad and are elected in 11 international single-member constituencies, other 556 members come for metropolitan France and 10 from overseas departments (“*collectivités territoriales*”). (IPU, 2016a)

⁶⁶ Three out of 123 directly elected members of the legislative Assembly in Macedonia are elected in three single-member constituencies abroad: (1) Europe and Africa; (2) the Americas; and (3) Australia and Asia. The other members come from six multi-member constituencies (20 seats each) in the country Constituencies. (IPU, 2016c)

supporting oppositional NPP⁶⁷ – contrary to ruling NDC⁶⁸ which builds on uneducated and illiterate rural electorate – was surrounded by many expectations. (Prouza, p. 98-105) Although expected shifts in electoral results remained unfulfilled, giving opportunity to about 4 000 000 of Ghanaians living outside the country to participate in the election is a step forward and the upcoming election in December 2016 will show if it brings some changes to the political scene in Ghana.

Lastly, provisions for remote voting are of significant importance in relation to post-conflict situation. Refugees and IDPs may constitute a significant share of country's population as it can be seen on the case of Bosnia and Herzegovina. In the 1998 election for the House of Representatives, 314 000 out of a total of about 2 750 000 registered voters, were registered to vote outside the country. 66 % of votes cast abroad (approx. 207 000) were counted as valid ballots, which constituted about 11 % of total valid votes.⁶⁹ (Reynolds et al., 2005, p. 126; Kasapović, 2010, p. 330) As pointed out by the *Lund Recommendation on Elections No. 9*, in such case “a constituency system may not be appropriate because of the difficulties associated with access to the constituency either for the purpose of registration or for voting.” (OSCE ODIHR, 2003) It is clear, that (non)existence of provisions for voting by refugees and IDPs (including also other obstacles mentioned above mentioned) can bring significant difference to election results.

Considerations should also be made about one very specific segment of society, which can be significantly affected by the system of constituencies – (formerly) *nomadic minorities*. (OSCE ODIHR, 2003) Strict requirements related to the domicile and voting in certain district may effectively disfranchise nomadic population, ranging from tribes living in high altitudes of Tibetan plateau, nomadic communities of India, pastoral nomads crossing wide steps of Mongolia and Central Asia, Lapp population in the Arctic, Romani and Gypsy population in Europe, Bedouin tribes in the Middle East and North Africa, to the Tuaregs and other nomad tribes living in Sahara, and many others around the world. Establishment of specific constituency

⁶⁷ The New Patriotic Party (NPP) is a liberal democratic and liberal conservative party that is one of the two dominant parties in Ghana politics. During 2000-2008 it was a ruling party, but currently is in opposition.

⁶⁸ The National Democratic Congress (NDC) is a social democratic party, founded Jerry John Rawlings, a by former head of Ghana (1981 – 2001). It is a ruling party since 2008.

⁶⁹ It should be noted that electoral statistics differ and this is just a rough calculation done with a purpose to show the significant share of refugee voters.

covering certain region or whole country, or remote voting provisions should be considered, where relevant, to facilitate inclusion on these groups into electoral process. Moreover, already mentioned mechanisms of communal roll or reserved seats could ensure their representation in the legislative body.

5.2.5.3 Facilitating voters' access to the electoral process

One of the ways to facilitate participation and representation of various groups is to provide comprehensible information covering all parts of the electoral process, including voters' registration procedure, access to polling places, provisions for remote voting, the rules for marking and balloting, etc. They should be available in all national languages, and preferably also in other languages spoken by the electorate, including minorities who have the right to disseminate and to exchange information in their mother tongue. (OSCE ODIHR, 2013, p. 20) When needed, materials should be accompanied by symbols, schemes, illustrations, use colours and other visual aids. These adaptations can considerably increase minority participation, reduce amount of votes invalid in a consequence of misunderstanding of the procedure, and thus potentially affect minority representation and election results.

Example of a good practice in the area of electoral information can be *Elections* website <<http://www.elections.org.nz/>> of the Electoral Commission of New Zealand (2016). On this well-structured site, voters can find all relevant details about voters, parties and candidates, electoral system, election results and statistics and others. Instructions for all stages of the process are provided, including information about how MMP system⁷⁰ that is used for parliamentary elections in New Zealand works, information on electoral district and polling stations. Enrolling and voting information (who can enrol, how to enrol, how to use the ballot paper) is available in 27 languages (besides frequently spoken world languages, it is available also in Somali, Burmese, Khmer, Maori, Tamil, Tongan, NZ Sign language, etc.) which purposely targets the minority nationalities living in New Zealand. Special informative sections are dedicated to voters with disabilities and to voting from

⁷⁰ The way MMP voting system works is clearly explained with visually-interesting and understandable video and a commentary, available at: <<http://www.elections.org.nz/voting-system/mmp-voting-system>>. (Electoral Commission New Zealand, 2016)

overseas. Below, you can see the official information leaflet about how to use the MMP ballot paper and the example of the ballot paper.

Figure 18: Election information leaflet, New Zealand 2016

Two ticks? Too easy!

Electoral Commission
Te Kaitiaki Take Kōwhiri

On Election Day your two votes help decide who will represent us in parliament.
Your votes do make a difference – here's why...

Your party vote
helps decide how many seats each party gets in parliament – the government will be formed by one or more parties with the support of enough seats to win important votes in parliament.

YOU HAVE 2 VOTES

Vote for only one party

Vote for only one candidate

Your electorate vote
helps decide who becomes your local MP – the candidate who gets the most votes wins the seat.

How do party votes turn into seats?
A party needs to win at least 5% of all the party votes in 1 electorate seat to get seats based on its party vote. This is called the threshold.
Parties getting seats will get a share of seats in parliament close to their share of party votes.
A party's share of seats is filled first by any of its candidates who win electorate seats and then by taking other candidates from the party list.

Can my electorate vote change a party's total share of seats?
Not usually, **only** when you are in an electorate where:
• A party needs to win your electorate to get any seats because it might get less than 5% of all party votes.
• Winning your electorate will give a party more electorate seats than its share of seats from the party vote. This is called an overhang.
• Your electorate might be won by an independent or candidate from a party not after the party vote.

So vote and be counted – it's too easy!

Visit www.elections.org.nz or call 0800 36 76 56 for more information.

Source: Electoral Commission New Zealand, 2016

Following example of instructions was developed by The United Nations Mission in East Timor (UNAMET)⁷¹ for the East Timorese independence referendum held in August 1999. It uses several languages, specifies the way to tick the ballot, and

⁷¹ The United Nations Mission in East Timor (UNAMET) was specifically established to organize and conduct the referendum and to oversee a transition period pending implementation of the decision of the East Timorese people. It was deployed from 11 June 1999 to 30 September 1999. "Despite an extremely tight timetable, a high level of tension, and the Territory's mountainous terrain, poor roads and difficult communications, UNAMET registered 451,792 potential voters among the population of just over 800,000 in East Timor and abroad. On voting day, 30 August 1999, some 98 per cent of registered voters went to the polls deciding by a margin of 94,388 (21.5 per cent) to 344,580 (78.5 per cent) to reject the proposed autonomy and begin a process of transition towards independence." (UNTAET, 2002)

show the secret balloting procedure. Instructions also encompass the real design of the ballot used during the election.

Figure 19: Election instructions, East Timor 1999

**MARKA DEIT NEBE IMI HILI
MEMBUAT PILIHAN ANDA
FAÇA A SUA ESCOLHA**

UNAMET

Se imi hili Otonomia atu hamutuk ho Indonesia, tau marka iha ne'e
Kalau anda memilih Otonomi bersama Indonesia berilah tanda di sini

Se optar pela Autonomia dentro da Indonésia, coloque a sua marca aqui

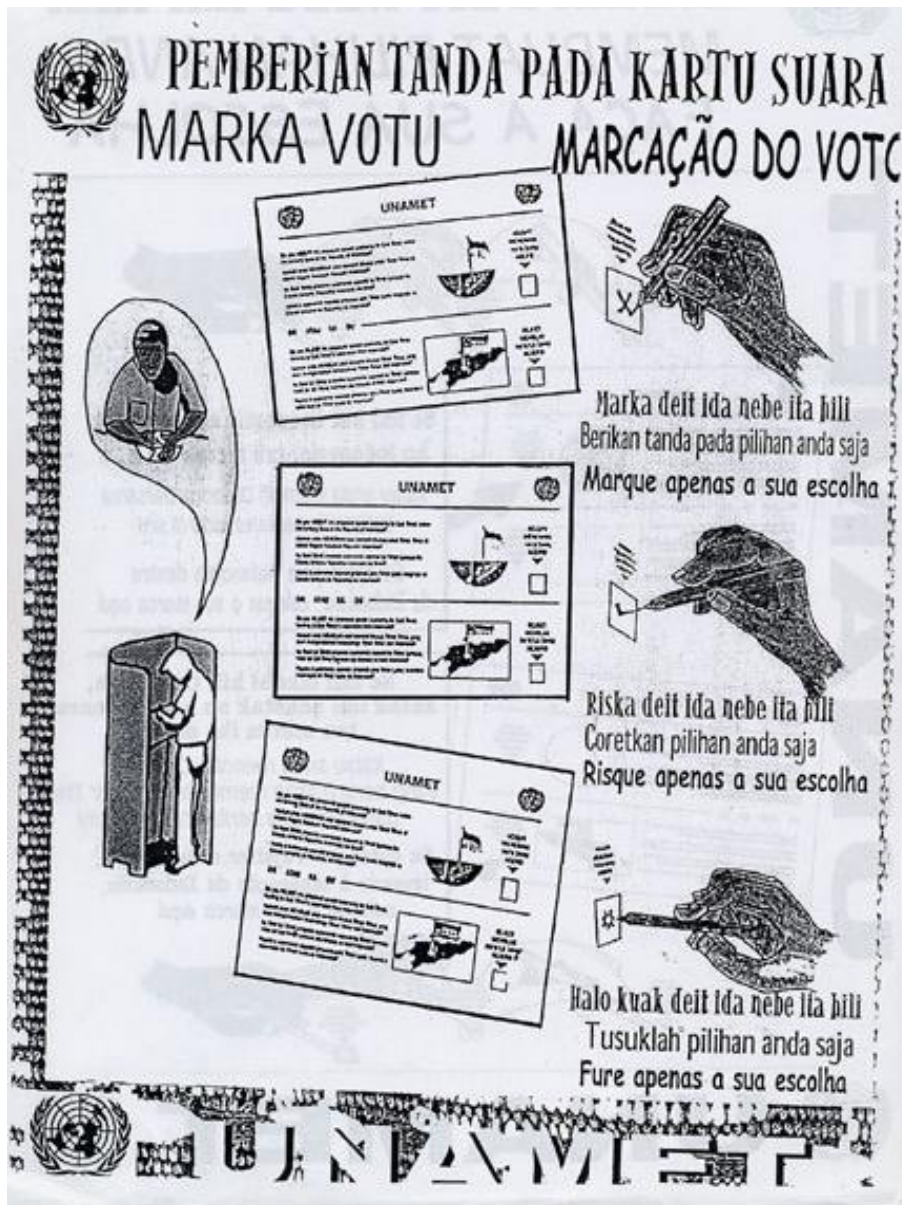
Se imi lakohi hili Otonomia, katak imi haketak an husi Indonesia, tau marka iha ne'e
Kalau anda menolak Otonomi, yang berarti akan memisahkan Timor Timur dari Indonesia berilah tanda di sini

Se optar por rejeitar a Autonomia, levando à separação da Indonésia, coloque a sua marca aqui

UNAMET

Source: Reynolds, 2016

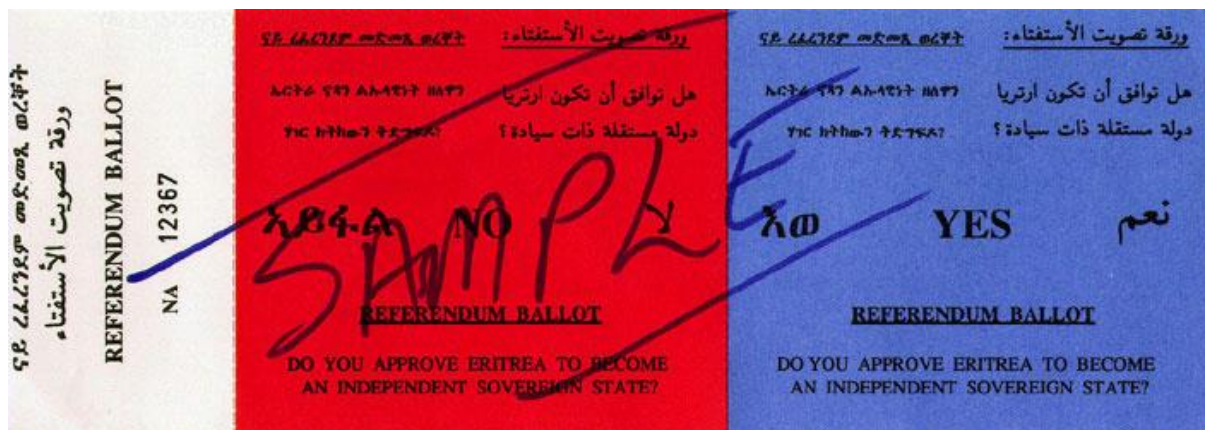
Figure 20: Election instructions, East Timor 1999



Source: Reynolds, 2016

A sample of the ballot used in the referendum about Eritrean independence in April 1993 shows the use of colour coding (Yes vote in blue, No vote in red) which ensured that even illiterate voters could effectively distinguish options and express their opinion.

Figure 21: Referendum ballot, Ethiopia/Eritrea 1993



Source: Reynolds, 2016

5.3 Final Considerations on the Electoral System Combinations

Many ways to enhance the representation of minorities and other specific groups were described by this work. We have seen that all the mechanisms have some pros and cons, and their use and final effects depend largely on the country's characteristics and on the synergy with other electoral system variables. Although there is not a single solution which would fit every situation, there are certain combinations which may be more constructive in bringing the desired improvement for the underrepresented groups. The discussion on whether plurality-majority or proportional systems are more favourable for minority representation remains unresolved since everything depends largely on the context. Therefore, no clear universally valid statement can be made here. However, there exist certain tendencies and better-performing combinations which can be useful for further reflection on electoral system design convenient for societies with minority population.

In theory, the problem of minority underrepresentation could be easily solved by the system producing very pure proportional results. However, such system would also have many negative aspects affecting the political stability and effectiveness. Therefore, the proportional representation cannot be perceived as a panacea for minority issues. As already said, the trade-offs are always an inherent part of the electoral system design and there is no universally best combination. Nevertheless,

in many situations, the systems of proportional representation with reasonably *large* district magnitudes can already considerably improve the situation of minorities. When more mandates are in the district competition, the parties are encouraged to nominate candidates from minority groups and attempt to gain the broad public support. The large districts also lower the effective threshold, and thus facilitate small (minority) parties' access to seats. A very low formal threshold – or none at all – works in the same way. Moreover, it can even directly encourage the formation of parties focused specifically on the advancement of interests of particular underrepresented groups. When the adjustments of district magnitude and threshold are not sufficient to ensure the minority representation, special mechanisms of quotas on representation or reserved seats can be incorporated into the system. Representatives for these seats can be either elected by the general roll – i.e. by all voters as all other representatives – or directly by voters belonging to the designated community/minority in so called communal roll.

Although minority groups face more challenges and tend to be underrepresented in plurality-majority systems, even these can in certain conditions effectively facilitate minority representation, or alternatively even their overrepresentation. (Lijphart, 2003) Obstacles imposed by the use of single-member or small districts, and related high effective threshold, can be compensated by other measures, including already mentioned reserved seats and communal rolls. Also the area of districting opens space for various adjustments and affirmative actions. When the minority is geographically concentrated, plurality-majority systems can be even more favourable in respect to the minority interests. In such case, regions can be over-represented (malapportioned) in order to help to increase the number of minority representatives in the assembly. Alternatively, the electoral boundaries can be drawn in the way that they concentrate the minority community (i.e. ethnic districts) and thus enlarge the chance to elect the minority representatives. However, the districting is one of the most manipulative instruments, which while favouring one group disadvantages other groups, and as such – as every manipulation – is largely perceived as controversial. Equally, the introduction of quota or reserved seats may face the dissenting attitude of the part of the majority population and increase tensions in the society.

The options that are given to voters to express their preferences on the ballot paper play also an important role. Possibilities to choose candidates across party lines, to cumulate votes for the highly preferred candidate(s), to rank candidates in order, or even to strike out the less favoured candidates do not only lead to election of candidates with broad support, but can also facilitate election of the minority representatives.

6 Conclusion

During the process of thesis writing, the author has faced several challenges. One was the limited amount of available resources, especially of the case studies and works focusing on other than well-known and already described examples of the studied phenomena. Furthermore, not only is the research of political representation of minorities in developing countries neglected in general, but also number of authors working in this field is quite limited. Consequently, the works often refer to each other and reach similar conclusions. On one hand, it may be regarded as confirmation of previous findings in the field, on the other it requires author's attention and comparison to alternative sources of information. Likewise, reliable international data about elections and electoral systems in targeted regions are not always recently updated, or available at all. Unfortunately, many primary sources of information from the national institutions, namely the election data and the legislative documents, were available in national languages only, and thus could not be effectively used in this work. This was usually solved by the demonstration of the given mechanism on different illustrative examples.

Other limits of the work perceived by the author include quite wide definition of the studied area. This was, however, necessary since the objective was to bring attention to importance of institutional setting in general and to introduce the topic of electoral system design in its complexity, explain the functioning of various electoral system variables and mechanisms, their connection, and the relevance for, and relation to the minority representation. For this purpose the descriptive method was appropriately chosen. It not only facilitated the process of achieving the objective, it also helped to point out the areas which could be interesting for further study and case analysis. The topic of electoral systems and their relation to minority

representation encompass a broad range of important issues which interact with each other while often bringing unexpected outcomes. In this regard, the work can be a rich source of food for thought and topics for future in-depth research. On the other hand, the limit of the descriptive method is that it does not bring any new data or information into the field, it “only” summarizes the results of previous research and searches for interconnections among studied phenomena.

Although many important issues related to electoral systems, elections and minority representation have been mentioned, many others could not be covered by this work. Among them the institutional framework of the country, where for example the size of the legislative body (i.e. the number of members of parliament) impose limits to maximum proportionality that can be achieved by elections; possible incentives to encourage existence of inclusive political parties; the timing of elections – reflecting climate conditions or farming seasons can be specifically important in predominantly agricultural countries, since planting or harvest can affect citizens’ ability and willingness to participate in elections; the composition of electoral management body; or the electoral formula used for translating votes into seats. All these would deserve further considerations since they influence the performance of electoral system as well. Besides, other interesting mechanisms, such as consultative bodies and round tables – although not directly related to electoral engineering – can facilitate minority participation in public affairs via promoting dialogue and mutual understanding and thus would be worth targeting by future research.

This thesis aimed at answering three, respectively four questions:

First, *which framework is the minority representation based on?* The framework was described right in the chapter two and helped to set the background for the further reflections on the position of minorities in election process, and for the considerations about electoral system design focusing on the minority representation. Namely, it is a wide range of legally-binding international conventions and national laws, but also international declarations and documents dedicated to human rights and rights of minorities, which constitutes its base. This is supplemented by other valuable sources of knowledge such as reports about situation of minorities, guidelines and recommendations targeting involvement of minorities and specific groups in public affairs, etc.

Second, *what are the mechanisms available to electoral designers that can be used to enhance representation of minorities and other relevant groups? And on which principles do these mechanisms work?* The main features of electoral systems were first introduced within the general context of twelve most common electoral systems. The selected relevant variables and mechanisms of the electoral engineering – the delimitation of electoral districts, the district magnitude, thresholds, reserved seats, communal rolls, the rules for candidate lists and the structure of the ballot papers, voter registration requirements, and the provisions for remote voting – were described in detail with regard to the minority representation. The in-depth description, which you can read in the chapter five, focuses on their working mechanisms, practical application, and performance, as well as on advantages and limits of use, which were illustrated on real examples from around the world. The criteria, on which the selection of examined mechanisms was based, reflected the frequency of their use and applicability within various electoral systems – for this reason, e.g. the unique mechanism of “best loser seats” was not examined. For the reason of their high complexity the issues of the allocation formula and the process of scrutiny were not addressed by this work neither.

Third, *are there electoral system combinations that are more favourable to minority and group representation?* The last question cannot be answered in a short way. Yes, there are system combination that are more favourable to minority and group representation, but... it largely depends on the given context. As highlighted by this work, there is not a universally working electoral solution that would effectively enhance minority representation in every country, however, there are some arrangements which under certain conditions work more favourably than others. Some of the combinations were outlined in the final subchapter 5.3, but for clear understanding of how the electoral system combinations work, one has to have a profound knowledge electoral system functioning. For this reason, the last question can be only partly answered within the context and the range of this work.

Concluding this thesis with two more thoughts, we should keep in mind that in spite of all opportunities that electoral engineering opens for representation of minorities, the presence of minority deputies in the representative bodies alone does not automatically mean that concerns of minority and marginalized groups are addressed, discussed and adequately resolved. On the contrary, it can easily happen

that the minority issues get into a deadlock when minority representatives are powerless against systematic outvoting by the majority representatives. Finally, although there should be no institutional obstacles to participation of minorities in public affairs, including participation in elections, it should be always taken into consideration and respected that there may be circumstances and reasons for which national minorities might not necessarily be willing to participate in politics and can deliberately choose not to express their interests or political preferences.

7 References

- African Union. 2002. "African Union Declaration on the Principles Governing Democratic Elections in Africa." http://www2.ohchr.org/english/law/compilation_democracy/ahg.htm.
- Blais, Andre. 1988. "The Classification of Electoral Systems." *European Journal of Political Research* 16: 99–110.
- Blanc, Jarrett, Aanund Hylland, Kåre Vollan, and International Foundation for Electoral Systems. 2006. *State Structure and Electoral Systems in Post-Conflict Situations*. Washington, D.C.: IFES.
- Cabada, Ladislav, and Michal Kubát. 2007. *Úvod do studia politické vědy*. Plzeň: Vydavatelství a nakladatelství Aleš Čeněk.
- Canon, David T. 1999. "Electoral Systems and the Representation of Minority Interests in Legislatures." *Legislative Studies Quarterly* 24 (3): 331. doi:10.2307/440349.
- Council of Europe. 1995. "Framework Convention for the Protection of National Minorities." https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDC_TMContent?documentId=09000016800c10cf.
- Croatian Parliament. 2016. "Act on Election of Representatives to the Croatian Parliament. The Right of Members of National Minorities in the Republic of Croatia to Representation in the Croatian Parliament." *Hrvatski Sabor*. <http://www.sabor.hr/Default.aspx?art=16930>.
- CSCE/OSCE. 1990. "Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE." Organization for Security and Co-operation in Europe. <http://www.osce.org/odihr/elections/14304?download=true>.

- Daggers, Nick. 2013. "Can Reformed Redistricting Come to Illinois?" *The Illinois Observer*. 1 August 2013. <http://www.illinoisobserver.net/2013/08/01/canreformcome/>.
- Davies, Lizzy. 2011. "Tunisians Abroad Vote 'with Hands Trembling and Tears Flowing.'" *The Guardian*. 20 October 2011. <http://www.theguardian.com/world/2011/oct/20/tunisian-elections-2011-tunisia3>.
- Davies, Todd. 2004. "Consequences of the Secret Ballot and Electronic Voting." presented at the Symbolic Systems Program, Stanford University, 14 March 2004. <https://pdfs.semanticscholar.org/5f16/67574659d7068ae0f0a4f810f3d3fe4d9850.pdf>.
- Dominican Today. 2011. "Dominicans Can Now Vote Abroad." *DominicanToday.com*. 11 February 2011. Accessed 13 February 2016. <http://www.dominicantoday.com/dr/local/2011/2/11/38573/Dominicans-can-now-vote-abroad>.
- Eide, Asbjørn. 1993. "Possible Ways and Means of Facilitating the Peaceful and Constructive Solution of Problems Involving Minorities: Report." E/CN.4/Sub.2/1993/34/Add.4. UN Sub-Commission on the Promotion and Protection of Human Rights. <http://www.refworld.org/docid/3b00efc528.html>.
- Electoral Commission New Zealand. 2016. "Electoral Commission New Zealand." *Elections - Electoral Commission*. <http://www.elections.org.nz/>.
- Electoral Commission New Zealand. 2016. "MMP Voting System." *Elections - Electoral Commission*. Accessed 5 April 2016. <http://www.elections.org.nz/voting-system/mmp-voting-system>.
- Electoral Reform Society. 2010. "Borda Count." *Electoral Reform Society*. <http://www.electoral-reform.org.uk/borda-count>.
- Ellis, Andrew. 2005. "Palestine: Political Realities Shape the System." In *Electoral System Design: The New International IDEA Handbook*, edited by Andrew Reynolds, Ben Reilly, and Andrew Ellis, 45–46. Handbook Series. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.
- Encyclopedia Britannica. 2016. "Minority (Sociology)." *Encyclopedia Britannica*. Accessed 25 March 2016. <http://www.britannica.com/topic/minority>.
- Eulau, Heinz. 2016. "Election." *Encyclopedia Britannica*. Accessed 2 April 2016. <http://www.britannica.com/topic/election-political-science>.

- European Commission (EC). 2008. *Handbook for European Union Election Observation*. 2. [rev.] ed. Uppsala, Sweden: Elanders Sverige AB.
- European Commission. 2008. *Handbook for European Union Election Observation*. 2. [rev.] ed. Uppsala, Sweden: Elanders Sverige AB.
- Fair Vote - Voting and Democracy Research Center. 2016. "Glossary of Voting and Democracy Terms." *Fair Vote - Voting and Democracy Research Center*. Accessed 2 April 2016. <http://archive.fairvote.org/?page=955>.
- General Assembly of the United Nations. 1979. "Convention on the Elimination of All Forms of Discrimination against Women." United Nations Official Document. http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/34/180.
- Gulf Daily News. 2011. "Expat Tunisians Cast Votes." *Gulf Daily News*. 21 October 2011. Accessed 2 April 2016. <http://archives.gdnonline.com/NewsDetails.aspx?date=04/07/2015&storyid=315892>.
- Hermine, Gaël Malo. 2013. "Malaysia 2013." *World Elections*. 11 May 2013. Accessed 2 April 2016. <https://welections.wordpress.com/2013/05/11/malaysia-2013/>.
- International IDEA. 2002. *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.
- International IDEA. 2015. "Electoral System Design." *International IDEA*. <http://www.idea.int/esd/>.
- Inter-Parliamentary Union (IPU). 2002. "TURKEY: Parliamentary Elections 2002." *IPU PARLINE Database*. 3 November 2002. Accessed 2 April 2016. http://www.ipu.org/parline-e/reports/arc/2323_02.htm.
- Inter-Parliamentary Union (IPU). 2014. "RWANDA (Chambre Des Députés)." *IPU PARLINE Database*. Accessed 12 April 2016. http://www.ipu.org/parline-e/reports/2265_A.htm.
- Inter-Parliamentary Union (IPU). 2016. "FRANCE (Assemblée Nationale), Electoral System." *IPU PARLINE Database*. 7 March 2016. Accessed 2 April 2016. http://www.ipu.org/parline-e/reports/2113_B.htm.
- Inter-Parliamentary Union (IPU). 2016. "SINGAPORE (Parliament), Last Elections." *IPU PARLINE Database*: Accessed 9 May 2016. Accessed 2 April 2016. http://www.ipu.org/parline-e/reports/2283_E.htm.

- Inter-Parliamentary Union (IPU). 2016. "The Former Yugoslav Republic of MACEDONIA (Sobranie), Electoral System." *IPU PARLINE Database*. Accessed 2 April 2016. http://www.ipu.org/parline-e/reports/2313_B.htm.
- Inter-Parliamentary Union (IPU). 2016. "Women in Parliaments: World Classification." *IPU Women in National Parliaments*. Accessed 2 April 2016. <http://www.ipu.org/wmn-e/classif.htm>.
- Kasapović, Mirjana. 2010. "Bosnia." In *Elections in Europe: A Data Handbook*, edited by Dieter Nohlen and Stöver Stöver, 1. Ed, 319–50. Baden-Baden, Germany: Nomos.
- Larserud, Stina, and Rita Taphorn. 2007. *Designing for Equality: Best-Fit, Medium-Fit and Non-Favourable Combinations of Electoral Systems and Gender Quotas*. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.
- Lijphart, Arend. 2003. "Proportionality by Non-PR Methods: Ethnic Representation in Belgium, Cyprus, Lebanon, New Zealand, West Germany, and Zimbabwe." In *Electoral Laws and Their Political Consequences*, edited by Bernard Grofman and Arend Lijphart, 113–23. Algora Publishing.
- Louter, Daan, and Kate Lyons. 2015. "The World's Most Unfair Election System – How Would Your Parliament Fare?" *The Guardian*. 1 June 2015. Accessed 2 April 2016. <http://www.theguardian.com/world/2015/jun/01/turkey-the-worlds-most-unfair-election-system>.
- Lublin, David. 2016. "Honduras." *Election Passport*. Accessed 2 April 2016. <http://www.electionpassport.com/electoral-systems/honduras/>.
- Mihalache, Cristi. 2004. "Obstacles to the Participation of Roma in Elections in Romania." *European Roma Rights Centre Official Website*. 7 February 2004. Accessed 12 April 2016. <http://www.errc.org/article/obstacles-to-the-participation-of-roma-in-elections-in-romania/1364>.
- Ming, Ong Kian. 2013. "Malaysia among the Most Malapportioned Countries in the World." *OngKianMing, mpSerdang*. Accessed 12 April 2016. <http://ongkianming.com/2013/07/19/press-statement-malaysia-among-the-most-malapportioned-countries-in-the-world/>.
- Ministry for Culture and Heritage, New Zealand. 2016. "Maori and the Vote." *New Zealand History Online*. 7 March 2016. Accessed 2 April 2016. <http://www.nzhistory.net.nz/politics/maori-and-the-vote/setting-up-seats>.

- Muhanna, Elias. 2012. "Clientelism, Vote Buying, and Ballot Reform in Lebanon." *Qifa Nabki, News and Commentary from the Levant*. 12 June 2012. Accessed 2 April 2016. <https://qifanabki.com/2012/06/12/lebanon-vote-buying-ballot-reform/>.
- Müllerson, Rein. 2007. "Implications of Good Governance in Plural Societies." In *Towards Good Governance and Social Integration*, edited by John Packer, 71–81. The Hague: OSCE HCNM.
- National Association of Citizens Advice Bureaux. 2016. "Direct Discrimination." Accessed 2 April 2016. <https://www.citizensadvice.org.uk/discrimination/what-are-the-different-types-of-discrimination/direct-discrimination/>.
- National Association of Citizens Advice Bureaux. 2016. "Indirect Discrimination." *Citizens Advice*. Accessed 5 April 2016. <https://www.citizensadvice.org.uk/discrimination/what-are-the-different-types-of-discrimination/indirect-discrimination/>.
- Nohlen, Dieter, and Florian Grotz, eds. 2004. *South East Asia, East Asia and the South Pacific*. Reprint. *Elections in Asia and the Pacific, a data handbook* / ed. by Dieter Nohlen; Florian Grotz; Vol. 2. Oxford: Oxford Univ. Press.
- Nohlen, Dieter. 1994. *Sistemas electorales y partidos políticos*. México: Universidad Nacional Autónoma de México: Fondo de Cultura Económica. <http://biblio.juridicas.unam.mx/libros/libro.htm?l=1959>.
- Nohlen, Dieter. 2010. "Elections and Electoral Systems." In *Elections in Europe: A Data Handbook*, edited by Dieter Nohlen and Stöver Stöver, 1. Ed, 1–68. Baden-Baden, Germany: Nomos.
- Norris, Pippa. 2002. "Ballots Not Bullets: Testing Consociational Theories of Ethnic Conflict, Electoral Systems and Democratization." In *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, edited by Andrew Reynolds, 206–32. Oxford, UK ; New York: Oxford University Press.
- Organization of African Unity (OAU). 2002. "OAU/AU Declaration on the Principles Governing Democratic Elections in Africa." OAU/AU.
- OSCE HCNM. 1999. *The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note*. The Hague, The Netherlands: OSCE HCNM. <http://www.osce.org/hcnm/32240?download=true>.

- OSCE ODIHR. 2002. "Republic of Turkey, Parliamentary Elections, 3 November 2002. OSCE/ODIHR Assessment Report." Warsaw: OSCE ODIHR.
- OSCE ODIHR. 2003. *Guidelines to Assist National Minority Participation in the Electoral Process*. Warsaw: OSCE ODIHR. http://ieeexplore.ieee.org/xpls/abs_all.jsp?arnumber=792593.
- OSCE ODIHR. 2010. *Election Observation Handbook*. 6. ed. Warsaw: OSCE ODIHR.
- OSCE ODIHR. 2013. *Guidelines for Reviewing a Legal Framework for Elections*. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR).
- OSCE ODIHR. 2014. *Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes*. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR).
- Pitkin, Hanna Fenichel. 1967. *The Concept of Representation*. Berkeley, California: University of California Press.
- Prouza, Jan. 2010. *Ghana: Volby, politické strany a stranictví*. Olomouc: Periplum.
- Reilly, Ben, and Andrew Reynolds. 1999. *Electoral Systems and Conflict in Divided Societies*. Washington, D.C.: National Academy Press. <http://www.nap.edu/catalog/9434.html>.
- Reilly, Benjamin. 2002. "Social Choice in the South Seas: Electoral Innovation and the Borda Count in the Pacific Island Countries." *International Political Science Review* 23 (4): 355–72.
- Reynolds, Andrew, Ben Reilly, and Andrew Ellis. 2005. *Electoral System Design: The New International IDEA Handbook*. Handbook Series. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance.
- Reynolds, Andrew. 2006. *Electoral Systems and the Protection and Participation of Minorities*. Minority Rights Group International Report 2006,3. London: Minority Rights Group International.
- Reynolds, Andrew. 2007. "Effective Participation through Elections: Creating the Space for Minorities and Majorities in the Political Sphere." In *Towards Good Governance and Social Integration*, edited by John Packer, 41–52. The Hague: OSCE HCNM.
- Reynolds, Andrew. 2016. "Ballots." *Andrew Reynolds. The University of North Carolina at Chapel Hill*. <http://reynolds.web.unc.edu/ballots/>.

- Riga municipality. 2016. "Riga City Council." *Municipal Portal of Riga*. Accessed 2 April 2016. https://www.riga.lv/EN/Channels/Riga_Municipality/Riga_City_Council/default.htm.
- Rishmawi, Mervat. 2016. "Minority Rights in International Law: Some Highlights." *Amnesty International, Middle East and North Africa Regional Office*. Accessed 2 April 2016. <http://www.amnestymena.org/en/Magazine/Issue19/MinorityRightsinInternationalLawSomehighlights.aspx>.
- Sartori, Giovanni. 2001. *Srovnávací ústavní inženýrství. Zkoumání struktur, podnětů a výsledků*. Praha: Sociologické nakladatelství (SLON).
- Shugart, Matthew Søberg. 2015. "El Salvador Joins the Panachage Ranks, President's Party Holds Steady." *Fruits and Votes*. 8 March 2015. Accessed 20 March 2016. <https://fruitsandvotes.wordpress.com/2015/03/08/el-salvador-joins-the-panachage-ranks-presidents-party-holds-steady/>.
- Schaefer, Richard T. 2016. "What Is a Minority Group?" *Race, Racism and the Law*. Accessed 2 April 2016. http://racism.org/index.php?option=com_content&view=article&id=280:minor0101&catid=15&Itemid=118.
- Schaeffler, Klaus. 2010. "Gerrymandering Has Hurt Venezuela's Opposition in Recent Elections." *Development and Cooperation (D+C)*. 9 November 2010. Accessed 2 April 2016. <http://www.dandc.eu/en/article/gerrymandering-has-hurt-venezuelas-opposition-recent-elections>.
- Slater, Dan. 2015. "Singapore's Final Authoritarian Election." *East Asia Forum*. 14 September 2015. Accessed 2 April 2016. <http://www.eastasiaforum.org/2015/09/14/singapores-final-authoritarian-election/>.
- Taagepera, Rein. 2002. "Designing Electoral Rules and Waiting for an Electoral System to Evolve." In *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, edited by Andrew Reynolds, 248–64. Oxford, UK; New York: Oxford University Press.
- Tams, Christian J., and James Sloan, eds. 2013. *The Development of International Law by the International Court of Justice*. First edition. Oxford, United Kingdom: Oxford University Press.
- The ACE Electoral Knowledge Network (ACE). 2012. "Boundary Delimitation." *ACE Project*. Accessed 13 February 2016. <http://aceproject.org/ace-en/topics/bd/default>.

- The ACE Electoral Knowledge Network (ACE). 2013. "Parties and Candidates." *ACE Project*. Accessed 13 February 2016. <http://aceproject.org/ace-en/topics/pc/default>.
- The ACE Electoral Knowledge Network (ACE). 2013. "Voter Registration." *ACE Project*. Accessed 13 February 2016. <https://aceproject.org/ace-en/topics/vr/default>.
- The ACE Electoral Knowledge Network (ACE). 2016. "Comparative Data." *ACE Project*. Accessed 23 February 2016. <http://aceproject.org/epic-en>.
- The ACE Electoral Knowledge Network (ACE). 2016. "Encyclopaedia. Electoral Systems." *ACE Project*. Accessed 13 February 2016. <https://aceproject.org/ace-en/topics/es/onePage>.
- The Office of the United Nations High Commissioner for Human Rights (UN OHCHR). 2010. *Minority Rights: International Standards and Guidance for Implementation*. HR/PUB/10/3. New York and Geneva: United Nations.
- The Office of the United Nations High Commissioner for Human Rights (UN OHCHR). 2016. "Minorities under International Law." *United Nations - Human Rights - Office of the High Commissioner*. Accessed 2 April 2016. <http://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx>.
- The Republic of Cyprus. 1960. "The Constitution of the Republic of Cyprus." [http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf).
- The Republic of Fiji. 2013. "The Constitution of the Republic of Fiji." The Fijian Government. Accessed May 9. <http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx>.
- The Republic of Iraq. 2005. "Iraqi Constitution." The Republic of Iraq, Ministry of Interior. http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf.
- The Republic of Zimbabwe. 2005. "The Constitution of Zimbabwe. As Amended at the 14 September, 2005 (up to and Including Amendment No. 17)."
- UNDP. 2010. *Marginalised Minorities in Development Programming. A UNDP Resource Guide and Toolkit*. New York, NY: UNDP.
- United Nations Economic Commission for Africa (UNECA). 2013. *African Governance Report III: Elections and the Management of Diversity. Executive Summary*. Addis Ababa, Ethiopia: United Nations Economic Commission for Africa.

- United Nations General Assembly. 1948. "The Universal Declaration of Human Rights."
<http://www.un.org/en/universal-declaration-human-rights/>.
- United Nations General Assembly. 1953. "Convention on the Political Rights of Women." United Nations Treaty Collection. <https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XVI/XVI-1.en.pdf>.
- United Nations General Assembly. 1969. "International Covenant on Civil and Political Rights." United Nations Treaty Collection. <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>.
- United Nations Transition Assistance Group (UNTAG). 2001. "Namibia - UNTAG Mandate." *United Nations Transition Assistance Group UNTAG*.
<http://www.un.org/en/peacekeeping/missions/past/untagM.htm>.
- United Nations Transitional Administration in East Timor (UNTAET). 2002. "East Timor – UNTAET Background." Accessed 13 February 2016.
<http://www.un.org/en/peacekeeping/missions/past/etimor/UntaetB.htm>.
- United Nations. 2016. "Convention on the Rights of Persons with Disabilities." Accessed 2 April 2016.
<http://www.un.org/disabilities/convention/conventionfull.shtml>.
- Unrepresented Nations and Peoples Organization (UNPO). 2012. "UNPO: Report On Minority Issues In Rwanda Presented At Human Rights Council." March 30.
<http://unpo.org/article/14097>.
- Unrepresented Nations and Peoples Organization (UNPO). 2013. "UNPO for European Parliament_Iraq - The Situation of Ethnic and Religious Minorities, Briefing Paper." Brussels, Belgium: D-IQ Meeting, European Parliament.
- Unrepresented Nations and Peoples Organization (UNPO). 2016. "Batwa." *UNPO Official Website*. Accessed 2 April 2016. <http://unpo.org/members/7861>.
- Varenes, Fernand de. 2007. "Towards Effective Participation of Minorities: A Brief Examination of Advisory and Consultative Bodies and Dialogue Mechanisms." In *Towards Good Governance and Social Integration*, edited by John Packer, 53–69. The Hague: OSCE HCNM.
- Varenes, Fernand de. 2009. "Discussion Paper on Obstacles to the Effective Political Participation on Minorities." *United Nations Forum on Minorities and Political Participation - 2nd Session: Minorities and Effective Political Participation*.

<http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session2Statements.aspx>.

Vasarhelyi, Elizabeth Chai. 2014. *Incorruptible*. Documentary film. <http://www.incorruptiblefilm.com/>.

Webb, Paul David. 2016. "Functions of Elections." *Encyclopedia Britannica*. Accessed 2 April 2016. <http://www.britannica.com/topic/election-political-science/Functions-of-elections>.