Electoral System:

districts
open lists
one-tick
threshold

Legal Basis

Constitution of Kosovo

Article 66.5: Conditions, districts and election procedures are regulated by law.

Law on General Elections

Article 10.1: Kosovo shall be considered a single, multi-member electoral district.

<u>**Venice Commission – Code of Good Electoral Practices**</u>

- When designing the boundaries of electoral districts…. They should be don: in a <u>neutral</u> way, <u>without damaging national minorities</u>; - while taking into consideration of commission, the majority of the members should be independent

- It is suggested for the committee to include a geographer, sociologist, and a <u>balanced representation of parties</u> and if requested, the <u>representatives of national minorities</u>"
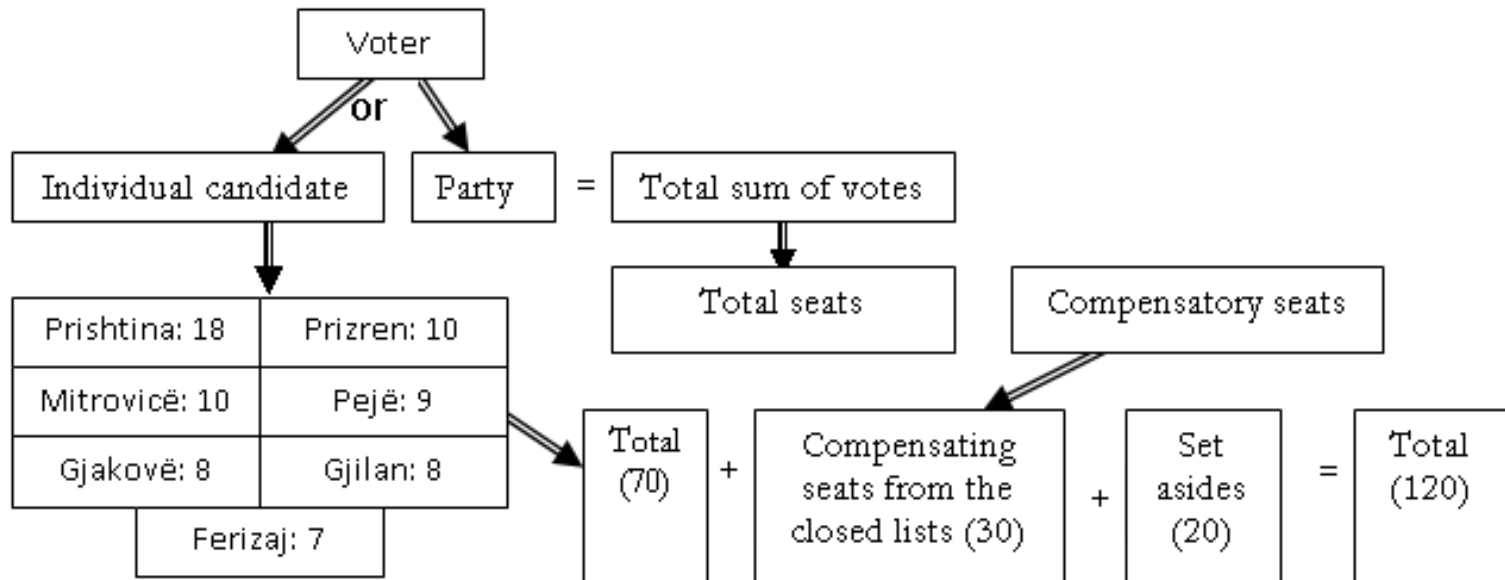
Regional Practices

Regional Electoral Experiences						
	Albania	**B&H**	**Croatia**	**Montenegro**	**Macedonia**	**Serbia**
Electoral System (Majoritarian/Proportional)	Proportional, closed lists	Proportional, open lists	Proportional, closed lists	Proportional, closed lists	Proportional, closed lists	Proportional, closed lists
Number of Districts	12 districts	BH - 12 districts ; Rep. Srpska - 6 distc	10 districts	1 election district	6 districts	1 election district
Threshold	3% for political parties	3% for political parties (SP), 5% for coalitions(K)	5% threshold	No threshold	3% for political parties	5% for political parties not for minorities
Representation of minorities	NO	N/A	8 reserved seats	5 reserved seats	NO	Threshold does not apply
Equal mandates	NO	NO	YES	NO	YES	NO

Proposal – Reforma 2004

Two-tier: 90 seats from 7 electoral districts with open lists.
30 compensatory seats from closed party lists at the national level.

Ballot: One vote with the only possibility of voting for individual candidates. Since all the votes are counted first to determine the total number of votes for a party, and since 30 seats are left to the parties for nomination in discretion, it was justified that there is no need for a possibility to vote for the party because of the risk of manipulation.
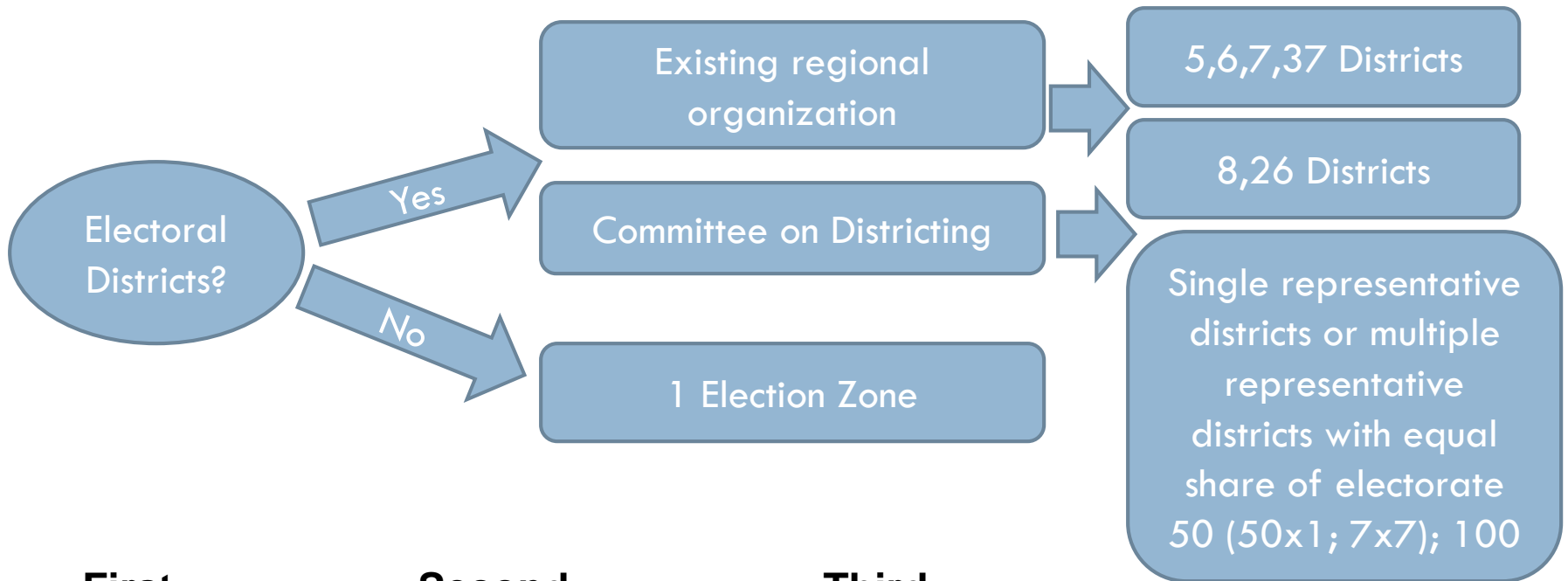
Guiding principles of the system

1. Allocation of seats and threshold to be applied at the national level and not at the district level;

2. Guarantee 30% gender quota;

3. Strict proportional system;

4. The ballot to be with names of candidates;

5. To keep the open lists system;

Decision Tree

Electoral Districts?

Yes → Existing regional organization → 5,6,7,37 Districts

8,26 Districts

Committee on Districting →

No → 1 Election Zone

Single representative districts or multiple representative districts with equal share of electorate 50 (50x1; 7x7); 100

First Decision: If districts are good in principle

Second Decision: Avoid a committee and decide to search for an existing model

Third Decision: Decide which of the existing models is most suitable

First Decision

☐ One or more districts?

Advantages of Geographical Representation

- Strengthen the link between the electorate and elected officials
- Voters may ask for more responsibility, are likely to elect members they know better
- Weaken the party hierarchy enabling the party to become more democratic
- Strengthen the citizen and not the party leader
- Favors MPs with direct local support and adds geographic diversity in the Parliament
- The impact of MPs increases in Parliament and within the Party because they MPs acquire specific obligation toward voters
- Individual candidates who cannot afford to stage a campaign throughout Kosovo are more equal to others within electoral districts
- Pushes Parties seek to disassociate from regional labels
- Reduces the power dominance of Prishtina

Disadvantages of the Districts

- Districts may lead to less proportional election results <u>(addressed in our model)</u>

- May effect the representation of minorities and the smaller parties <u>(addressed in our model)</u>

- May require an additional step in the process of voters verification, proof of residence within state and within the specific district

- Districts produce fewer ideas and programs and more powerful people in region with formal and informal networks

- Some complication with the production and distribution of ballots

- Regional representation weakens national agendas and increases regional one

- Districts will make political and electoral competition more personal and less programmatic

- Weakens ideological agendas and these of specific interests

- More complicated procedures for voting abroad and to verify the eligibility of the candidates

Second Decision

□ Avoid a committee for delimitation, and search for an existing regional organization

Existing Regional Organization

PROs	CONs
□ Avoid the creation of a committee that could prolong and politicize the process of districting.	□ Limits the options to 5, 6, 7, 37 districts and dependent on the level of acceptance by the political parties to 8 and 26 districts.

Size of Districts

5 Districts	#	6 Districts	#	7 Districts	#	8 Districts	#
Gjil + Fer	21	Gjil	11	Gjil	11	Gjil	11
Pz	15	Pz	15	Pz	15	Pz	15
Pej + Gja	25	Pej + Gja	25	Pej	13	Pej	13
Mit	14	Mit	14	Mit	14	Mit	14
Prn	25	Prn	25	Prn	25	Prn (region)	10
		Fer	10	Fer	10	Fer	10
				Gja	12	Gja	12
						Prn (municp.)	15

26 Election Districts – DiA

DiA			
70 seats in 26 districts		**& 30 seats at national level**	
¨Prishtinë + Graçanicë	8	¨Malishevë	2
¨Prizren + Mamushë	7	¨Skenderaj	2
¨Mitrovicë+Zubin Potok	4	¨Viti+Kllokot+Partesh	2
¨Ferizaj	4	¨Kacanik+HaniElezit+Shtërpcë	2
¨Pejë	4	¨Kamenicë + Novobërdë+Ranillug	2
¨Gjakovë	4	¨Decan+Junik	2
¨Gjilan	4	¨Leposavic + Zveçan	2
¨Podujevë	3	¨Istog	2
¨Vushtrri	3	¨Klinë	1
¨Suharekë	2	¨Fushë Kosovë	1
¨Drenas	2	¨Dragash	1
¨Lipjan	2	¨Shtime	1
¨Rahovec	2	¨Obiliq	1

Evaluation of Differnet Options

	1 DISTRICT	**5 DISTRICTS** District Courts	**6 DISTRICTS** MIA	**7 DISTRICTS** SOK and some ministries	**8 DISTRICTS** 7 + PRN/2	**26** (DiA)
Technically easy/difficult process of dividing districts	Easy	Easy	Easy	Easy	Easy	Easy
Politically easy/difficult process of dividing districts	N/A	Could face resistance from Gjakova and Ferizaj	Could face resistance from Gjakova	Could face resistance from Malisheva	Complicated in Prishtina	Could require a commission
Need for a commission to divide districts	N/A	No	No	No	Yes	Yes
Regional identification of MPs	No	Yes	Yes	Yes	Yes	Yes
Domination of Prishtina	High	Medium	Medium	Medium	Very Low	Very Low
Level of Acceptance by minorities	10	8	7	6	5	0
Securing the meriotorious participation of women	7	7	7	10	10	1
Garantees the representation of every municipality	No	No	No	No	No	No
Geographical representation	Low	3/10	4/10	5/10	6/10	8/10
Design of the ballot (with 70 seats through districts)	no names	With names A3	With names A3	With names A3	With names A3	With names A4-A3
Stands of EWG	VV, AAK, SLS KIPRED		PDK (6 or more districts)	LDK (more than 6 districts)		DiA

Third Decision: What model?

- Choose among the 5, 6, 7, and 37
- If not politicized, consider 8 and 26

Extreme effect of districts

	Zone1	Zone2	Zone3	Zone4	Zone5	Zone6	Zone7
Party A	51%	51%	51%	51%	51%	51%	51%
Party B	49%	49%	49%	49%	49%	49%	49%
	100%	100%	100%	100%	100%	100%	100%
Party A	1	1	1	1	1	1	1	7
Party B	0	0	0	0	0	0	0	0

- Imagine a place with 7 MPs; 1 MP from each district and only two parties in the race;

- We see an example of extreme majoritarian distortion;

- Even large districts have a bit of this effect, however small it may be.

Calculating the size of the districts

- General Electorate: 1,632,276
- Divided by 70 seats
- Gives 23,318 voters per one representative
- Therefore the electorate would be divided into districts of 23,318
- Then calculation of the largest remainder
- Addition of the largest remainder gives the general total of the districts for the Assembly of Kosovo.

Number of MPs per district?

	Municipalities							Region
Prishtina	161,236	21,313	16,825	28,105	75,636	50,374	46,657	400,146
Prizren	144,579	36,658	57,617	3,112				241,966
Mitrovica	86,834	16,730	49,320	63,300	7,563	8,475		232,222
Peja	93,721	37,244	40,778	38,705				210,448
Gjilan	87,387	35,381	7,936	42,882	4,929	3,694	2,785	184,994
Ferizaj	91,876	22,313	12,604	30,308	7,943			165,044
Gjakova	97,215	49,321	44,089	5,191				195,816
TOTAL								1,630,636

	Region			full nr.	remaind.	total
Prishtina	400,146		24.5%	24	1	25
Prizren	241,966		14.8%	14	1	15
Mitrovica	232,222		14.2%	14		14
Peja	210,448		12.9%	12	1	13
Gjilan	184,994		11.3%	11		11
Ferizaj	165,044		10.1%	10		10
Gjakova	195,816		12.0%	12		12
TOTAL	1,630,636		100%	97	3	100

Number of MPs per district? Distribution of 70

	Region		Weight of Districts						
			100				70		
			full nr.	remaind.	total		full nr.	remaind.	total
Prishtina	400,146	24.5%	24	1	25	17.18%	17		17
Prizren	241,966	14.8%	14	1	15	10.39%	10		10
Mitrovica	232,222	14.2%	14		14	9.97%	9	1	10
Peja	210,448	12.9%	12	1	13	9.03%	9		9
Gjilan	184,994	11.3%	11		11	7.94%	7	1	8
Ferizaj	165,044	10.1%	10		10	7.09%	7		7
Gjakova	195,816	12.0%	12		12	8.41%	8	1	9
TOTAL	1,630,636	100%	97	3	100	70%	67	3	70

- A: Share of the electorate for each district (%)
- B: Share of each district (full integer, without the remained)
- C: The largest remainder
- D: Number of seats of each district

Mandates in one Districts

	Prishtina	Obiliq	Gracanica	F. Kosovë	Podujeva	Lipjan	Gllogovc	Prishtina District	17/70		
PDK	13,231	2,186	89	2,484	8,604	10,692	22,133	59,419	30.0%	5.11	5
LDK	31,096	2,997	149	4,512	17,185	7,920	642	64,501	32.6%	5.55	6
AAK	4,565	562	13	520	1,691	919	278	8,548	4.3%	0.73	1
KKR	11,526	667	77	934	1,696	1,533	429	16,862	8.5%	1.45	1
LDD	1,787	140	69	244	221	492	17	2,970	1.5%	0.26	
FER	5,232	82	9	193	416	226	20	6,178	3.1%	0.53	1
VETVENDOSJE	15,899	1,753	49	2,122	5,313	2,361	522	28,019	14.2%	2.41	2
SLS	183	263	4,503	238	3	290		5,480	2.8%	0.47	1
											17

☐ Example of Prishtina district using the 2010 figures

Distortion from Districts

Seats won from 7 districts in a total of 100 seats											
W/O Threshold	Pr	Pz	Mi	Pe	Gji	Fe	Gja	Total from distrct.		Strict-NTW-PR	Effect of Districting
PDK	8	5	9	5	3	4	4	38		34	4
LDK	8	4	2	3	2	2	3	24		27	-3
AAK	1	2	1	3	1	1	2	11		12	-1
KKR	2	1	1	1	1	1	2	9		8	1
LDD						1		1			1
FER	1							1			1
VETEVENDOSJE	4	1	1	1	2	1	1	11		14	-3
JSL					1			1		1	0
SLS	1				1			2		2	0
VAKAT		1						1		1	0
KDTP		1						1		1	0
	25	15	14		11	10	12	100		100	

We lose the strict proportionality

Why 70 in districts and 30 strict proportional ?

- The distortion violates full proportionality hence we cannot recommend that all 100 representatives are allocated from the districts
- There is a need for flexibility to compensate for the proportional system and the gender quota
- Protect the PR system at the central level;
- **Solution:** 30 seats would be used to secure the gender quota.

Seat Allocation Simulation

Vendet e fituara nga 7 zona që bëjnë 70 ulëse										nga 100	
	Pr	Pz	Mi	Pe	Gji	Fe	Gja	Total nga zonat		Total me PR në tërë vendin	Kompenz uese
PDK	5	3	6	2	2	3	3	24		34	10
LDK	6	3	2	3	2	1	2	19		27	8
AAK	1	1	1	3	1	1	2	10		12	2
KKR	1				1	1	1	4		8	4
LDD								0			0
FER	1							1			-1
VETEVENDOSJE	2	1	1	1	2	1	1	9		14	5
SLS	1							1		2	1
VAKAT		1						1		1	0
KDTP		1						1		1	0
JSL								0		1	1
	17	10	10	9	8	7	9	70	0	100	30

Remaining 30 would be used to secure the strict proportional system and the gender quota

Size of districts and the Design of the Ballot

If 70 distributed through districts – Ballot in A3

- Prishtina 17 seats – 19 names per party

Modeling with 7 dist.		
	70	100
Prn	17	25
Pz	10	15
Mi	10	14
Pe	9	13
Gj	8	11
Fe	7	10
Gja	9	12
	70	100

Strict Proportional 70/30 system

- E.g. If LDK would win 27 seats with 26% of the votes (1 extra seat from the distribution of the 4% won by LDD and FER who did not pass the threshold), 9 of its MPs would have to be from the less represented gender (women);

- If at the district level LDK would win 19 seats, 7 of them women;

- It would have to be compensated with 8 more mandates to ensure full proportionality (19+8 = 27). To bring women's representation to nine, two of the 8 would need to be allocated to women (7+2 = 9).

- First we would pull up the 6 women with the most votes (of those not won by merit), no matter what district they are from, and then two men in the same way.

Compensatory seats for women

	Strict PR	From Distrct. (70%)	Compensation
LDK	27	19	8
PDK	34	24	10

30% women	Women by Merit at Distct.
9	7
11	2

Gender qutoa by this system		Compensation for men		Compensation
2	+	6	=	8
9	+	1	=	10

Minority Candidates run in all districts

- Minority communities are scattered around Kosovo;

- Political parties of minority communities, who have most of their votes concentrated in one district, are worried that they will lose the votes of their community on the other districts, however little that vote may be;

- Minorities Political Parties have proposed one-election zone.

- Same list of candidates of minority parties to appear on ballots of all the districts that the party chooses;

- Voters of minority communities of Gorazhdevc (Peja district) and Gracanica (Prishtina district) could vote for the same candidates;

- No separate ballot for the minority parties that would be the same in all districts since this would complicate the voting process.

Reforma Forum: Threshold 3%

PROs

- Lower from 5%, which is considered very high
- Secures a threshold that provides for a stable governing coalition;
- Enables entrance of new and serious alternatives to the AoK

How?

- Does not apply to independent candidates;
- For coalitions remains at 5%;
- Does not apply to parties of minorities;
- Applied in the central level

How the threshold works in districts?

Modeling with 7 dist.		
	70	100
Prn	17	25
Pz	10	15
Mi	10	14
Pe	9	13
Gj	8	11
Fe	7	10
Gja	9	12
	70	100

Natural Threshold	
70	100
5.9	4.0
10.0	6.7
10.0	7.1
11.1	7.7
12.5	9.1
14.3	10.0
11.1	8.3
10.7	7.6
mesatarja	

Natl Threshold
3%
3%
3%
3%
3%
3%
3%

For a party to enter the Assembly,

- it should either pass the 3% threshold at the central level (even if it doesn't get any mandate in any of the districts) or

- if it manages to get a seat in one of the districts but doesn't pass the 3% nationally, it would keep that seat.

	Districts								
	1	2	3	4	5	6	7	Central Level	Takes
PartyF	1	0	0	0	0	0	0	2.7%	1
PartyL	0	1	0	0	0	0	0	3.1%	3
PartyX	0	0	0	0	0	0	0	2.7%	0