

## The Electoral System

- 1. The creation of electoral districts should take as the main criteria an existing or previous regional organization (used by various institutions), which would eliminate the need for an Assembly Committee to delineate electoral boundaries. Using existing geographic delimitation would speed up the process and would reduce the risk of redrawing boundaries along political lines.**

The Assembly of Kosovo Resolution mandates the establishment of the Election Commission for Election System Reform and the creation of electoral districts zones in Kosovo, a long-time demand of civil society since 2003. The majority of political parties and other stakeholders involved in the process agree that districts should be created. How districts are to be created and how many of them is still being discussed and no consensus has been found yet.

The Forum agreed that the creation election zones would:

- Provide better representation and mirroring of the society in the Assembly;
- Strengthen the relationship between an elected officials and the electorate;
- Discourage party hierarchy (explain this) and encourage of parties' democratization.

Considering that there are no accurate data about the number of residents, the creation of electoral districts must follow municipal boundaries. The process of establishing election districts should lead to a long-lasting delimitation which does not become part of political bargaining. Any geographic delimitation process does not take existing regional divisions as a basis, the process could be prolonged endlessly, falling victim of technical difficulties and politicization.

The discussion on the system was led by the following principles:

- The threshold to be applied at the national level and not at the district level;
- To guarantee 30% gender quota;
- Strict proportional system;
- The ballot to be with names of candidates;
- To keep the open lists system;
- Allocation of seats to be at the national level.

- 2. Kosovo should be organized along seven (7) electoral districts (based on the seven towns, regions as used by the Kosovo Bureau of Statistics and telephone codes).**

Reforma Forum has reviewed a number of options for organizing Kosovo's electoral districts. These included the division of Kosovo into 5, 6, 7, 8, 26 and 37 zones, the only realistic options previously proposed by various stakeholders. Examples of regional organizations abound and can be found among various institutions how they organize their work geographically: five (district courts), six (Ministry of Interior), seven (Bureau of Statistics, telephone codes, seven localities with town status). The option with 37 would turn all municipalities into districts while 8 and 26 are variations of existing ones with minor corrections.

After several weeks of discussions, the Forum concluded that the seven (7) zone scenario was the most balanced option. This option balances best among options with small single-member districts that would produce majoritarian effects and the preferences to keep the single district. This is compatible with the most widespread regional organization in Kosovo. Any organization with fewer districts would leave a two major towns in one district causing major dissatisfaction (either in Ferizaj or Gjakova) The option with five (5) would place Ferizaj (the municipality with the third largest population, according to the 2011 civil census) in the Gjilan region, while Gjakova (a municipality with the same number of population as Peja and greater than Gjilan) in the Peja region. The option with seven would face least resistance, primarily in Malisheva which prefers to remain in the same district as as Prizren.

**3. District should yield 70 seats in the Parliament while 30 are to be allocated as compensation at the nation-wide level to correct for full/strict proportionality and gender representation.**

Two of the Reforma Forum principles were the preservation of strict extreme proportionality nation-wide and the preservation of the gender quota. The division of 100 seats (disregarding the 20 guaranteed seats). If the 7 district system would be used without the compensatory seats, the largest party would benefit over its proportion of votes (using last year's results, the largest party would gain five more seats at the expense of other parties). This is why the allocation of 30 compensating seats is indispensable to ensure strict proportionality. These seats would be dispersed to candidates with the highest number of on the list, starting first from the less represented gender to ensure overall quota.

**4. Keep the open lists but with a one-tick for a candidate within the party list.**

The most serious argument against open lists is that they have enabled election fraud within political entities. However, this blame falls on the preferential vote, and not necessarily on the open lists. The public continues to favour the open lists and the ability to mark the individuals of their choice. Therefore, in order to preserve the principle of open lists and at the same time avoid the possibility stealing votes, we recommend that the new election system adopts the "one tick" model where lists would be open, but voters are only able to vote for one candidate from their preferred party. At the same time, no box should be placed next to the label of the party. The voter would not be able to vote for the party only as this could serve as an incentive for commissioners to fill in a name of their choice.

**5. Ballot design with names and not numbers**

Another advantage of electoral district simplifies the election process by decreasing the number of candidates to be elected from each district, namely only candidates of that area, and makes it easier for voters to find the name that appeal to them most. This would also decrease the number of invalid and damaged ballots. Currently, each ballot contains 110 numbers beside the names of each political party in Kosovo, and the voter must find the number of the selected candidate in a multi-page leaflet. The creation of districts would reduce the number of names to be listed on a single-page ballot. Most municipalities would have A3 ballots, with the possible exception of Prishtina.

**6. The threshold to be reduced to 3% nation-wide and not to be applied to independent candidates and political entities of ethnic minorities.**

The actual 5% threshold is very high for smaller parties which may enrich the ideological spectrum at the Kosovo Parliament. The Kosovo political scene has not consolidated to a healthy representation of various interests and the threshold should be lowered to enable new alternatives to refresh the system and add plurality of opinion. However, a natural threshold would present a bar which is too low and would bring to unstable coalition governments. The Forum debated between a 2% and 3% threshold and finally chose the 3% threshold as the golden middle between dynamic political scene and coalition stability. The threshold would be applied nation-wide and would not affect the seat distribution of the 70 seats to be allocated by the districts directly. The national threshold of 3% in fact will serve for extracting the overall representation of a political entity at country level, and it will come into effect when the 30 compensating seats will be dispersed.

**7. The political entity that manages to win a seat in a given district but does not pass the national threshold should be allowed to keep the seat it has won.**

It would be unjust if a political entity gets sufficient votes to get a candidate elected in a district, but is not allocated the gained seat because it has not reached the 3% threshold at the country level. Therefore, an entity that gains seats in districts should not see these seats taken away because of the national threshold. The 2010 elections provide a real example. FER would then have reached the natural threshold in the district of Prishtina with one candidate, but did not pass the threshold nation-wide. It is counter-intuitive and unjust that if a party manages to reach the regional

threshold that is higher than at the country level (in Prishtina district it would be 5.8%) and not to get that seat entrusted by voters of Prishtina.

**8. Candidates of minority parties can appear in more than one election district.**

It is an international practice for the votes of the minorities not to be fragmented, thus Reforma proposes to allow candidates of minority parties to appear in up to three different election districts.

**Compiled by the Institute of Democracy for Development (D4D) ([www.d4d-ks.org](http://www.d4d-ks.org))**