



## **Proportional Representation Open List Electoral Systems in Europe**

On 31 March 2009 President Yushchenko introduced a draft new constitution for priority parliamentary consideration. This draft proposes substantial electoral reforms including introducing a bicameral legislature and replacing the closed proportional party list election system with an open party list parliamentary system. According to the President people must gain the right to vote not only for one or another political party, but for a concrete candidate to improve political competition, accountability, and governmental efficiency.

This move echoes the sentiment expressed by the Venice Commission on 4 February 2009 when their delegation addressed members of the Verkhovna Rada and Ukrainian civil society regarding the status of the Ukrainian Electoral Code. According to Mr. Thomas Market, leader of the Venice Commission delegation, the current electoral system in Ukraine includes many problems including:

- 1) Closed List: Which makes Deputies accountable to Party Leaders and not to voters
- 2) Single Constituency: Which does not provide for territorial representation and gives Kyiv a stranglehold on Ukrainian politics
- 3) Corruption: Under the current system, party leaders wield a worrisome degree of power

At that time there were eight draft laws registered for consideration. Since February there have been only more electoral reform proposals from all sides and facets of the political spectrum now culminating with President Yushchenko's proposed new constitution. Proposed electoral reforms have varied greatly and there are many aspects of the electoral code that merit attention. However there is a consensus building among political actors in Ukraine that before the next Verkhovna Rada elections Ukraine should move from a closed to an open list system.

This paper will consider the potential benefits of the open list first by giving a brief overview of the pros and cons of the proportional representation - open list systems. Next it will provide a brief summary of how eight European countries implement their versions of this electoral system to varying degrees of 'openness'. Finally this report will look at two groups of countries where Ukraine lies at the cross section, the countries of former Communist Europe and the former Soviet Union. It will compare trusted indicators of democracy and corruption, Freedom House's *Freedom in the World Report 2008* and Transparency International's *Corruption Perceptions Index 2008*, to see if there is any correlation between election system choice and good governance in this group of countries.

## **Proportional Representation – Open List (PR – Open)**

The PR – Open electoral system allows political parties to submit a list of candidates for consideration yet also allows the voter to rank the candidates within a party's list through some method of preferential voting. This is opposed to the closed list system currently employed in Ukraine which allows the political party to determine the order of its candidates and gives the voter no influence on the position of the candidates placed on the entities list.

No two PR-Open electoral systems are alike as countries vary in government structure, voting methods, seat allocation, and thresholds for parties and candidates among other details. However, while the different implementations of the PR-Open system vary in technical detail the general strengths and weaknesses are the same.

Strengths of an open list system: Obviously open list systems empower voters by allowing them to choose individual candidates of the party of their choice by voting directly for them rather than for the party list of candidates as a whole. This can reduce the power of party leaders to impose their preselected candidates on the electorate. The desired effect is that candidates are now more accountable to the voter and less so to the party leader.

Weaknesses of an open list system: Open list systems are more difficult to administer as it is more difficult to count votes and produce results. Also, depending on how a system considers thresholds and multiple constituencies when allocating individual seats, open list systems can produce counter-intuitive results that are difficult for voters to understand (Why does a candidate with less votes than an opponent get awarded a seat?). Finally, enforcing gender and ethnic quotas can prove difficult in an open list systems.

## **Eight European Countries Using the PR – Open List Electoral System**

This paper compares the electoral systems of eight European countries to illustrate the different aspects of the PR – Open List: Austria, Czech Republic, Estonia, Latvia, Netherlands, Poland, Slovenia, and Sweden. Each of the eight countries discussed in this paper have their particular take on the PR – Open electoral system. To compare each system we first will give a brief overview of the eight government's parliamentary structure, how voters select their representatives, and how seats are allocated to individual candidates. Following this introductory overview is a comparison regarding constituencies and thresholds that will indicate to what degree a party list is open in each country.

**Table 1) Comparison of Eight Open List Countries in Europe**

Country	Parliament Structure	Legislative Lower House Number of Constituencies	Parliament Description	Seat Allocation	Description
Austria	Bicameral	9 multi-member (from 7 to 36 seats)	In the Federal Council (Bundesrat) 62 members are elected by indirect vote. Members are elected by indirect vote to serve 5-6 year terms. Each of Austria's nine provinces elect between 3-12 members, according to provincial population. In the National Council (Nationalrat) 183 members are elected through a party-list proportional representation system to serve 4-year terms.	Hare and D'Hondt	Seats are distributed in three steps. First, the returns from regional voting districts are examined and seats are allocated according to the Hare system. Second, the returns from provincial voting districts are considered and seats are allocated according to the Hare system. In the final stage of counting, candidates on the national party list are allocated seats according to the D'Hondt method.
Czech Republic	Bicameral	14 multi-member constituencies	In the Senate (Senat) 81 members are elected by absolute majority vote in single-member constituencies to serve 6-year terms. In the Chamber of Deputies (Poslanecka Snemovna) 200 members are elected by party-list system with proportional distribution of seats to serve 4-year terms.	D'Hondt	Mandates are distributed according to the D'Hondt method in each of these regions.
Estonia	Unicameral	12 multi-member (6 to 13 seats)	The 101 members of the Parliament (Riigikogu) are elected by popular vote to serve four-year terms.	Simple Quota and D'Hondt	Awarding of seats takes place in three rounds. First, all candidates who gain more votes than a simple quota (total number of valid votes in district / number of seats distributed in the district) are awarded a seat. Second, of the parties that received at least 5% of the vote, each party district list is re-ordered according to candidate vote and seats are awarded according to party vote using the simple quota. Third, remaining seats are distributed at the nationwide level using the D'Hondt method.
Latvia	Unicameral	5 multi-member (14 to 29 seats)	In the Parliament (Saeima), 100 members are elected through a party-list proportional representation system to serve 4-year terms. On election day voters are issued with a set of ballots, one for each party or alliance competing.	Sainte Laguë	The number of mandates won by each party or alliance is determined on the basis of constituency-wide votes, applying the Sainte Laguë formula. Candidates are ranked on their list by taking total of votes for list and either adding or subtracting individual candidate votes.

Country	Parliament Structure	Legislative Lower House Number of Constituencies	Parliament Description	Seat Allocation	Description
Netherlands	Bicameral	18 multi-member constituencies	In the First Chamber (Eerste Kamer), 75 members are elected by indirect vote by the country's 12 provincial councils to serve 4-year terms. In the Second Chamber (Tweede Kamer), 150 members are elected through an open-list proportional representation system to serve 4-year terms.	Simple Quota	Mandates are awarded in three steps. First, seats are distributed by party vote at the national level by using the largest remainder method. Next, any candidate who obtains at least 25% of the simple quota is declared elected automatically regardless of his or her number on the list. Finally, the remaining seats (if there are any) are assigned to the remaining candidates, based on their order on the list. This is continued until every seat is assigned.
Poland	Bicameral	41 multi-member (7 to 19 seats)	In the Senat 100 members are elected by majority vote to serve 4-year terms. In the Sejm 460 members are elected by proportional representation to serve 4-year terms.	D'Hondt	The seats in each constituency are distributed amongst the lists through the D'Hondt method, applied to the constituency totals of votes received by the respective election committees. Mandates gained by a list are attributed to the candidates with the most votes.
Slovenia	Bicameral	8 electoral units each divided into 11 single-seat constituencies plus 2 special constituencies for two members, respectively representing the Hungarian and Italian minorities	In the National Council (Drzavni svet) 40 members are elected by electoral college to serve 5-year terms. In the National Assembly (Drzavni zbor), 88 members are elected by a proportional representation system with preferential vote to serve 4-year terms and 2 members are elected by majority vote to serve 4-year terms. The two members elected by majority vote represent Slovenia's Italian and Hungarian communities.	Droop quota and D'Hondt	Each of the 88 single member districts will not receive a seat in parliament, instead seats are distributed in a two step process using first the Droop quota on each of the eight voting units with the remaining seats assigned using the D'Hondt method at the state level.
Sweden	Unicameral	29 multi-member constituencies for 310 members (2 to 34 seats) plus 1 additional multi-member constituency for 39 "at large" seats	In the Parliament (Riksdag), 349 members are elected through an open-list proportional representation system to serve 4-year terms.	Sainte Laguë	For the 310 seats representing each of the 29 multi-member constituencies, seats are proportionally distributed according to the modified Sainte-Laguë method. For the remaining 39 at large seats, the remaining seats are allotted by the system of full proportional representation based on the votes obtained nationwide.

As one can notice, while each of the countries employ an PR - Open list system the specific implementation varies dramatically. PR - Open list systems can apply to unicameral or bicameral legislatures. Constituencies can be nationwide or can be divided geographically, by population, by ethnicity, or just for ease of distributing mandates. Parliaments can be composed using a variety of seat allocation quotients and methods depending to control exactly how proportional one wants seat distribution to be (how closely the percent of the popular vote matches the percent of seats won). In short, proposing an open list system can mean many different things.

From looking at this side by side comparison one can conclude that there is no perfect solution in implementing a proportional representation open list system. Instead there are many variables available that can be used to achieve different levels of proportionality and accountability to specific electorates. In evaluating any proposal for an open list one must first consider the completeness of the proposal and determine that the entire set of choices are employed to serve the overall purpose.

### **Degree of Openness**

In addition to controlling the proportionality of seat distribution in parliament countries can also choose to calibrate the degree of openness a list exhibits through the method of voting and through the use of minimum thresholds in awarding seats to parties as well as re-ordering a party's individual list. The following table compares the choices these eight countries have made to control the degree of openness.

**Table 2) Voting Methods and Thresholds in Eight European Countries using PR – Open List**

Country	Method of Vote	Voting Description	Party Threshold	Candidate Threshold
Austria	Party and up to 1 candidate	Voters choose a political party but can at the same time give one candidate of the party a preferential vote and influence their ranking on the list.	4% or one regional seat	At least 1/6 of their party votes OR 1/2 the electoral quota (number of valid ballots in a voting district divided by the number of parliamentary seats allotted to it.)
Czech Republic	Party and up to 4 candidates	Voters choose a political party but can also give four candidates a preferential vote.	5%, or 10% for 2 party coalition, 15% for 3 party coalition, 20% for 4 or more party coalition	Candidates receiving at least 5% of the total number of votes cast for their party have priority in the allocation of seats, regardless of their position on the list.
Estonia	1 candidate	Voters chose their single candidate by number when voting and it is only through the candidate of choice that a vote is attributed to the respective list.	5% or simple quota for the relevant constituency	None
Latvia	Party and a number of candidates (for or against)	Voters may leave the ballot unmarked or may indicate preferences among the candidates or cross out candidates whom they reject.	5% nationally	None
Netherlands	1 candidate	Voters vote for a particular candidate and it is only through the candidate of choice that a vote is attributed to the respective electoral subject.	simple quota (number of valid ballots divided by the number of parliamentary seats.)	None
Poland	1 candidate	Voters vote by marking the box against the name of only one candidate, and it is only through the candidate of choice that a vote is attributed to the respective list.	5% nationally (8% for coalitions), minorities are exempt	None
Slovenia	Party or 1 candidate	Each voter votes for a party-list or an individual candidate with indication of his/her choice among the candidates.	4% (simple majority preferential vote for two minority seats)	None
Sweden	Party and up to 1 candidate	Votes are cast for party lists, and electors may also express specific preferences for individual candidates.	4% of total votes cast or 12% of votes cast in a constituency	Candidates receiving at least 8% of the total number of votes cast for their party in the constituency concerned have priority in the allocation of seats, regardless of their position on the list.

Again the choices each country has made in implementing a PR – Open system vary widely. Voters can vote for a party, an individual candidate, multiple candidates, or in Latvia’s case against candidates depending on how much power one wants to give the voter in ordering a party list. Party thresholds can be applied nationally, locally, and can differ with coalitions depending on how diverse one wants a parliament to be. Candidate thresholds can preserve the party’s ability to control the ranking of its party list to a degree. As before, one can conclude there is no perfect solution, an open list can mean many things, and proposals must consider all aspects to serve its purposes.

### Benefits of the Open List

Proponents of the open list system espouse its virtues by noting that through empowering the voter, as well as an individual candidate, an open list system allows one to evade the tyranny of the party leader, provide a higher level of democracy, and consequently a better quality of governance through higher accountability. This argument is logical and often persuasive but is there any evidence to back it up?

It is beyond the scope of this paper to conduct a detailed analysis of this question but a cursory examination of commonly accepted standards indicate that perhaps there are societal benefits linked to the open list system. Focusing on the countries from post- communist Europe and the former Soviet Union, we have categorized countries by their respective electoral system (regardless of parliamentary structure) and compared the categories’ performance on two respected indicators of good governance to produce the following table. Complete results are attached in Appendix 1.

**Table 3) Does the Electoral System of Post-Communist Europe and Former Soviet Union Countries Impact Performance on Good Governance Indicators?**

Electoral System	Total	Freedom House 2008			Transparency International 2008	
		Free	Partly	Not Free	Avg Rank	Avg Score
PR (open list)	6	6	0	0	43.33	5.52
PR (closed list)	12	5	5	2	103.25	3.08
Mixed	6	2	3	1	86.17	3.65
Single Member District	4	0	0	4	160.25	1.88
<i>Ukraine*</i>		X			134	2.5

\*Ukraine is included in the PR (closed list) figures above but is also shown on its own for comparison

The first indicator used in the comparison above is Freedom House’s *Freedom in the World 2008 Report* which monitors trends in democracy, political rights, and civil liberties. The second indicator is Transparency International’s *Corruption Perceptions Index 2008* which ranks 180 countries’ perceived levels of corruption, as determined by expert assessments and opinion surveys.

Looking at the results it is interesting to note the correlation between PR - Open list electoral systems, increased democracy, and lower corruption in post-communist Europe and the former Soviet Union. Open list countries are all considered free and have the lowest perception of corruption compared to the other electoral system categories. While this quick comparison is not sufficient to draw firm conclusions it does indicate a positive relationship between PR – Open systems and improved governmental performance.

### Conclusions

In comparing side by side the PR – Open list systems of eight European countries of various sizes, locations, and histories one can see quickly that the PR – Open system is not one size fits all. Moreover there are a number of variables one must employ to create exactly the level of proportionality, type of

accountability, and degree of openness when proposing a new electoral system, PR – Open or otherwise. This complexity should be kept in mind when discussing the merits of any PR – Open list system proposal and should consider:

- Parliamentary structure (as this has now been opened for debate)
- Clearly defined constituencies: number, type, boundaries, and number of seats
- Seat allocation quotient and procedures (which will impact how coalitions are formed)
- Will parties be selected on the ballot or only candidates?
- Quotas: Gender or ethnic? How will they be enforced?
- Number of candidates selected on a ballot (both for and against)
- Vote thresholds for parties, coalitions, and individual candidates

The collection of choices involved should be roughly complete and work as a system to achieve its overarching goals.

When considering the potential societal benefits of an open list system, initial findings are encouraging but far from conclusive. The comparison between electoral systems and the two indexes indicates a positive relationship between open list (unicameral or bicameral) and good governance (pro-freedom, anti-corruption). Moving to an open list system in Ukraine could be one of many needed steps to improve the political climate.

As for how this discussion applies specifically to Ukraine, potential problems remain including:

- Currently the electoral reform discourse revolves around a large and growing number of independent electoral proposals. It would be encouraging if instead all relevant actors participated in a common process to create one unified proposal for consideration.
- It is unclear if current supporting information is available. For example, when discussing multiple constituencies, the drawing of boundaries and apportionment of seats usually relies on recent census data. The last census performed in Ukraine was 2001.
- Proposals for an Open List system must consider both the strengths and weaknesses of such a system. New electoral laws must address the technical difficulties an Open List poses for electoral administrators to ensure political reform is not undermined by operational failings.



**Appendix 1) Comparing Post-Communist European Countries and Former Soviet Union Countries Freedom House Rating, Transparency International Rank and Score, and Electoral System.**

Country	Freedom House Rating 2008	Transparency International Corruption Perceptions Index 2008 Rank	Transparency International Score	Electoral system 2008
Albania	Partly Free	85	3.4	Mixed
Armenia	Partly Free	109	2.9	Mixed
Azerbaijan	Not Free	158	1.9	SMD
Belarus	Not Free	151	2	SMD
Bosnia & Herzegovina	Partly Free	92	3.2	PR
Bulgaria	Free	72	3.6	PR
Croatia	Free	62	4.4	PR
Czech Republic	Free	45	5.2	PR (open lists)
Estonia	Free	27	6.6	PR (open lists)
Georgia	Partly Free	67	3.9	Mixed
Hungary	Free	47	5.1	Mixed
Kazakhstan	Not Free	145	2.2	PR
Kyrgyzstan	Partly Free	166	1.8	PR
Latvia	Free	52	5	PR (open lists)
Lithuania	Free	58	4.6	Mixed
Macedonia	Partly Free	72	3.6	PR
Moldova	Partly Free	109	2.9	PR
Montenegro	Partly Free	85	3.4	PR
Poland	Free	58	4.6	PR (open lists)
Romania	Free	70	3.8	PR
Russia	Not Free	147	2.1	PR
Serbia	Free	85	3.4	PR
Slovakia	Free	52	5	PR (open lists)
Slovenia	Free	26	6.7	PR (open lists)
Tajikistan	Not Free	151	2	Mixed
Turkmenistan	Not Free	166	1.8	SMD
Ukraine	Free	134	2.5	PR
Uzbekistan	Not Free	166	1.8	SMD