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DILEMMAS CONCERNING THE MACEDONIAN ELECTORAL MODEL: FROM SINGLE ELECTORAL CONSTITUENCY TO OPEN LISTS

Abstract

The Republic of North Macedonia has ensured certain legal preconditions for real pluralism, but practice has shown that the current electoral rules significantly constrain these possibilities (especially when it comes to parliamentary representation of the smaller parties). Two substantial proposals for changes in the electoral system have gained traction in the past years: move towards a single (national) electoral constituency instead of the present six; and the move from closed-list proportional representation to preferential voting via open lists. These proposals are backed by the idea that the current electoral system is characterized by a certain deficiency regarding realistic transposing of citizens' votes in representative mandates, as well as by the fact that smaller political parties rarely achieve parliamentary representation through the present electoral rules. By imploring content analysis of both theoretical and empirical literature, using the primary data of interviews conducted with a small number of small parties' leaders as well as by using the comparative method, the authors present relevant argumentation for each of the aforementioned proposals and ultimately provide respective solutions that should be further researched and could provide basis for legislative interventions in the Electoral code of the Republic of North Macedonia.

Keywords: pluralism, representation, single electoral constituency, open lists

INTRODUCTION

Political pluralism and proper citizens' representation are immensely important preconditions for contemporary democratic functioning. The Republic of North Macedonia (hereon: RNM) has ensured certain legal preconditions for real pluralism, however its electoral models are under constant revision since the Macedonian electoral system is still developing its features, among which two evolving conceptual entities arise as subjects of particular interest of the expert and political public – the prospective of a single (national) electoral constituency instead of the present six; and the move from closed-list proportional representation to preferential voting via open lists. In order to fully focus on these two proposals, other electoral system's elements will be considered as constants in the paper. The current unfavourable circumstances and challenges concerning elections are dominantly rooted in the non-satisfactory social and economic progress produced by the parties dominant in the political arena for several decades i.e. since the state's independence, but can be manifested through the low trust of the Macedonian citizens in the Assembly of RNM, various forms of deficiencies and irregularities in the electoral process, political bargaining etc. Therefore, it is of salient importance to determine whether the electoral system and the social circumstances ensure wholesome pluralism and manifestation of the citizens' preferences in the Assembly of RNM through realistic transposition of the votes in representative mandates, and true equality of each citizen's vote, i.e. to determine what would be the optimal electoral model in this current political context.

To this end, in the following paper, theoretical and comparative background will be provided regarding the factors influencing representation, along with several relevant representative features of the electoral systems in general and specific legislative recommendations concerning current Macedonian electoral model.

FACTORS AND SIGNIFICANCE OF THE SMALL PARTIES' ENTRY IN THE REPRESENTATIVE HOUSE

Although traditionally, the vast part of political science concerns the parties of influence, the postmodernism initiates paying attention to the smaller political parties and the interests they represent. Smaller parties are related to advocacy of a certain agenda or a cluster of narrower areas of political significance but they can be ethnic parties as well, thus representing the interests of the smaller non-majority communities in the country. The electorate of the smaller parties is usually considered as a barometer that indicates public dissatisfaction of the political system (Donovan 2000).

Important legal and political factors that influence the establishment, development and entering of the smaller parties in the parliament are the type of political system, population size, level of economic development of the state, electoral model and citizens' satisfaction of the large parties. Namely, the bigger state population (Horowitz & Browne 2005) and the higher the gross domestic product, the smaller the success of smaller parties, while the success of the smaller political parties in the majority electoral systems is directly correlated

to the failure of the big parties (Gerring 2005). As well, smaller parties have lesser chances for success compared to the big ones in a presidential system because the focus is on a certain limited number of presidential candidates (Gerring 2005).

Especially significant for the paper's argumentation is the Lijphart's paradigm which states "the position of the smaller parties in a particular political system is largely dependent on the electoral model used at that point in time" (Lijphart 1994).

IMPACT OF THE ELECTORAL SYSTEM ON THE PARLIAMENT'S STRUCTURE

Electoral systems have double effect, effect on the voter and on the number of selected parties that acquire the status of legislative ones (Naumovska 2011). According to Sartori, the electoral systems define the way votes are calculated into mandates (proportionally or not) thus influencing the behavior of the voters, *inter alia* on whether the voter would vote for a party or a person (Sartori 2008). Beside the voters, the small parties themselves are influenced by the electoral system and can decide not to nominate their own candidate in the single-mandate electoral constituencies (Borisyuk et al., 2007).

Various electoral principles impact the proportional representation differently. The majority system in one electoral turn and the plural electoral model (model of relative majority) foster perpetuity of the dual party system in the state on account of the multiparty system and they function rather in the direction of stability than of the representative democratization of the system, while the proportional system favors multipartism. The majority systems could be appraised for their advantages, some of which are the simplicity when voting, stability of government, moderate political behavior etc. (Nolen & Kasapovic 1997). However, the proportional models ensure greater representation of the smaller parties in the parliament, unlike the mixed and the majoritarian ones in which there is a disproportion between the electoral votes share and the parliamentary mandates won. This assertion is supported by empirical evidence provided by Rae and Sprague separately. The latter has precisely determined the bias for entering into parliament for third parties. Thus, the use of proportional formulae used for transposition of votes into mandates leads to the possibility of the smaller parties to win one eighth of the votes in order to win a parliamentary mandate, while according to the majoritarian principles they should win one third of the votes to ensure a mandate (Gaber & Jovevska 1997).

Within the frame of a semi-proportional system the odds of the smaller parties are increased by the adoption of the system of single transferable vote (STV), supported by the institutional rules related to STV (Karakamiseva 2004).

According to Nolen and Kasapovic, the superiority of the proportional in comparison to other systems in the heterogeneous societies derives *inter alia* from the fact the proportional system fulfils the requirement for fair representation of minorities to which priority should be given in such societies. These authors consider as significant advantage of the proportional system its capacity for consideration of social changes and new political currents when transposing the votes into mandates (Nolen & Kasapovic 1997).

Duverger also sets the “law” that the proportional model of representation creates preconditions for establishment of multiparty system. He also states that the electoral systems shape the party systems which further define political systems. In the triangle electoral/party/political systems the middle member manifests as a consequence of the first and a cause for the third (Kasapovic, foreword Nolen 1992). Sartori largely supports the Duverger’s “laws” (Nolen 1992). Solely, according to Sartori, the introduction of the proportional model does not cause an increased wave of newly formed relevant parties, it merely eliminates the consequences of the previously enacted model (Sartoti 2008).

Currently, in the European practice, the disproportion between the won votes and parliamentary seats is differently manifested. For instance, the greatest disproportion is documented in the United Kingdom and the smallest one in Netherlands, a country that uses proportional system with a single constituency (Naumovska 2011).

The various countries’ empirical elaboration of the electoral systems’ elements such as electoral formula, size of electoral constituency, electoral threshold, manner of voting, type of candidate lists etc. also define pluralism. Exemplary, the electoral thresholds feature many countries with proportional system. The thresholds vary from 0.67% in the Netherlands to 5% in the Czech Republic, Poland and Germany eliminating extreme multipartism. Basically, the higher the threshold, the bigger the obstacle for entering in the parliament of the small parties.

As per elaborated, each element of the electoral technique holds significance and influences the realization of the electoral right, which means that it substantially affects the way of upholding the democratic principles. Still, in this instance, the focus is reduced to the issue of the creating of electoral constituencies and candidate lists, analyzed further.

A SINGLE ELECTORAL CONSTITUENCY

The electoral constituency as an electoral dimension is of a great importance for democracy, especially considering its creation and size. The most important aspect that the electoral constituency should provide is the ensuring of substantial equality of citizens’ votes, i.e. to comply the maxima ‘one vote to each citizen, each vote equal value’.

The size of the constituency is defined by the number of mandates deriving from it. Bigger constituencies are more compliant to the proportional model, while the majoritarian model functions with single-mandate electoral constituencies. The bigger the electoral constituency, the higher the number of mandates deriving from it, subsequently, the highest the level of proportionality. For instance, the Netherlands and Israel function as a single electoral constituency (in the former 150 representatives are elected and in the latter 120). As well, the smaller the constituency, the larger the number of “lost” votes. Small electoral constituencies have the same effect as the high thresholds: both limit proportionality and the chance for the small parties to obtain parliamentary seats; with the augmentation of the electoral constituencies and the diminishing of the thresholds, the proportionality and the odds of the small parties improve (Naumovska 2011).

As far as the size of the electoral constituency in the proportional system is concerned, both Sartori and Lijphart concur that the countries with small or medium-sized constituencies have the smallest proportionality which could lead to “punishment” and eventual elimination of the small parties.

According to Lijphart the two most important dimensions of the electoral system with great consequences for proportionality and electoral results as well as for the party systems are the electoral formula and the size of the electoral constituency (Lijphart, 1994).

In the analysis of the European countries regarding the size of the electoral constituencies, it could be deduced that the proportional representation is most adequately applied in the Netherlands since the entire state is a single constituency in which 150 representatives are elected, unlike Spain which also uses the proportional model, but its territory is divided into fifty two constituencies from which on average seven parliamentarians are elected and the latter is rather constraining. Since each country’s social and political context is different, a specific country overview is needed to establish the proper electoral system parameters.

The Republic of North Macedonia as a single electoral constituency

When RNM is specifically regarded as a single electoral constituency, it is necessary to underline that several electoral systems with various subcategories could prove to be functional, i.e. would produce favourable results. However, the question is what would be the most optimal solution for RNM considering the current circumstances?

Given the previous elaboration, the proportional system that is already in place in RNM is the best foundation for further upgrade and alteration towards greater representation. Since RNM is a small country, it can be organized both as several and as a single electoral constituency. Namely, the current electoral model containing six electoral constituencies is highly representative and since smaller parties usually make coalitions with the bigger national parties, the former are often represented in the government and/or have a few parliamentary seats which ensures certain level of representation relative to their size and political legitimacy. However, according to concrete simulated calculations (Dimitrievski 2017), the model with a single constituency is even more representative and would produce greater pluralization and more realistic results regarding the manifestation of citizens’ will, since it would *de facto* lower the electoral threshold.

Within the research of Naumovska (2011) concerning the way electoral model influences political behavior and opportunities of smaller parties, several interviews with the leaders of some smaller parties of that period had been conducted. To the question whether it would be encouraging for the party to step out individually at elections if the whole territory of Macedonia represents a single electoral constituency, all respondents have answered accordingly, i.e. that such solution was in favour of their interests and that should be adopted as legislation. (Naumovska, 2011:216). Even though the idea for RNM as a single constituency has been discussed as a concept since the very independence of the country and has been further confirmed as beneficial for the parties that represent smaller interest groups in the society in the aforementioned research, still it gains traction these

recent years because at the moment, it is a concrete legislative initiative of the smaller parties supported not only by the expert public, but declaratively by some of the bigger parties' leaders as well.

As argued, RNM as a single electoral constituency is a model that has advantages since the concept itself means more literal transposition of the votes into parliamentary mandates. In this sense, the small parties and the smaller ethnic communities which are largely organized as small political parties could in a more compact manner realize their political interest and ensure parliamentary seat/s even when they do not have concentration of votes in a particular region. In that scenario, according to estimates and supported by the Dimitrievski's simulation (Dimitrievski 2017) of the previous elections, it is probable that the bigger parties such as SDSM, VMRO-DPMNE and DUI would win a few less mandates. Subsequently, the citizens that would have voted for a third option or a smaller party due to number of reasons (saturation of big parties' politics, preference of a certain small party focal issues on agenda etc.) would be properly factored. Eventually, medium-term, it is possible such third or fourth option to gain weight through the course of time which would ensure substantial and not only formal pluralism. Hence, the introduction of a single electoral constituency would not represent a radical change, however, it would be a serious step towards the improvement of democratic quality.

TYPES OF CANDIDATE LISTS

The types of candidate lists that should be used in a particular country is a more controversial issue, both due to their various forms of practicing and to the effects they can cause, therefore a close comparative overview regarding this issue is necessary.

The candidate lists can be closed (rigid) which means that the candidates are chosen by the order defined by the party and open (flexible) meaning that there is not any preordered ranking and that the voters could express their preferences by marking the names of the candidates (Sartori 2008).

Besides voting for lists, two other possible formulae are the free list and limited vote. The free list means that the voter has as many votes as there are candidates to be chosen (he/she can assign two votes to any candidate, but is allowed to cast his vote for a candidate of another political party as well). Unlike the free, the limited vote enables each voter to have more than one vote but less votes than the number of members of parliament that are to be voted.

Comparatively, certain states as Finland, Estonia, Switzerland and Poland use open lists with proportional representation where the candidates from the list that enter the parliament are elected by the voters, i.e. the voters define the order by voting for particular names on the lists. Other countries use voting combinations where the voting of a favourite can make a difference (as are Sweden, the Czech republic, Cyprus and Greece) by which the popular candidate can overrun the ones that the party has prioritized as higher on the list and to enter the parliament (the number of parliamentarians elected this way is around 5%) while in third countries such as Malta and Ireland, the system of single transferable

vote functions well (Naumovska 2011). Additionally, Belgium, Finland, Greece, Italy, Norway, Austria and Sweden provide preferential proportional lists where the voter decides on the order within the party candidates; in Switzerland and Luxembourg the preferences could be of different parties; combined system of proportionality with clear personalized method is at play in Ireland and Estonia, etc. (Jovevska & G. Damjanovska 2007).

Open or closed candidate lists in RNM

Open lists could contribute to democratization i.e. more precise and liberal reflection of citizens' needs as well as to decrease of the party's determination of candidates. Still, as far as open candidate lists in RNM are concerned there is space for additional analysis and empirical testing including a simulation for Macedonian circumstances, while a more theoretical argument will be presented in this paper.

Namely, unlike the closed lists that are created within the parties with ultimate approval by the party top, the advantages of open lists are related to decrease of the parties' capacity to define the candidates and increase such capacity of the citizens. That way it is possible for the party leading members or party's favoured persons not to overlap with the voters' favourites, the former could even drop out in the distribution of mandates by which the gain is a more precise picture and greater protection of citizens' interests and representation.

Open lists, eventually, lead to increase of the party focus towards the quality of suggested candidates, by which the structure in the lists is necessarily changed in favor of the candidates with higher professional and moral characteristics (Handgarther et al., 2019). In this sense, it is possible to instigate ethnically mixed candidate lists, which *inter alia* would have positive implications in direction of stepping towards civil society of equality of individuals and overpassing the consociational democracy in RNM since the latter consists inherent weaknesses regarding its sustainability, political efficiency and anachronisms when treating certain human rights as collective ones (Dimitrovska 2019). As far as the expected effects of these electoral solutions are concerned, as previously said, the proportional system, according to Nolen and Kasapovic, fosters greater parliamentary representation of the smaller ethnic parties in a heterogeneous society as the Macedonian one and currently, these standards for small ethnicities' representation should be ensured further by the introducing of the single electoral constituency. However, eventually, through the course of time and gaining societal maturity and fulfilling other parallel conditions for overpassing consociational democracy, the introducing of open lists would give positive incentive to pressuring the parties to incorporate within their candidate ranking lists representatives of different nationalities, with accent on the individual features of the person, setting the ethnicity as a secondary issue which would contribute to eventual fading of the ethnic character of the parties in RNM.

On the other hand, the open lists presuppose highly informed and election-wise educated citizens which are also acquainted with the suggested candidates, as well as

somewhat bigger burden to the technical aspect of the elections' holding which could pose a challenge in the Macedonian circumstances. Hence, the open lists are not as much compatible to the concept of the entire country as a single electoral constituency on the national level. As well, the open lists would pose a problem to the ensuring the legally stipulated quotas for gender equality in the Assembly.

The authors' stance is that the advantages of adoption of open lists outweigh the disadvantages, however, a careful approach is needed regarding the step towards adoption of the concept of open lists. Therefore, the preferential voting could be adopted but limited to one or a few of the candidates on national level, while on local level where the voters are more acquainted with the not so numerous candidates for municipal councilmen (which number in the Macedonian municipalities can vary from 9 to 33) there is a possibility for preferential voting with ranking of several candidates.

CONCLUSION

When deliberating substantial changes of the Electoral code, such as the ones analyzed in the paper: move towards a single (national) electoral constituency instead of the present six and the move from closed-list proportional representation to preferential voting via open lists, it is of immense importance to take into consideration the political and juridical stability, organizational and resource challenges, as well as the effects they could produce. Given that an elaborate study that would systematically analyze and compile all electoral aspects is lacking in the RNM, and that it is necessary for an electoral model to be practiced for a longer period of time in order for its effects to be estimated (Jovevska 1999), the authors pose scientific reserve regarding their conclusions in favour of such future study.

However, currently, within the existing Macedonian proportional electoral system with the D'Hont's formula, the adoption of the legislative solution of the RNM as a single electoral constituency would be highly beneficial in terms of providing lower threshold for entering of the smaller parties in the Assembly of RNM, thus providing more representative preconditions for realistic transposition of citizens preferences into parliamentary mandates ultimately advantaging the pluralism in the country.

The adoption of a certain form of open lists with preferential voting limited to one or several candidates in the RNM would foster greater freedom for expressing of citizens' preferences while decreasing the party's influence in the creation of candidate lists, thus impacting the quality of proposed candidates and improvement of certain civil society principles.

These solutions could significantly improve the democratic character of the prospective Macedonian electoral model by ultimate greater factoring of the Macedonian citizens.

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