

WHAT ELECTORAL SYSTEMS ARE AVAILABLE OUT THERE? AN INTERNATIONAL PERSPECTIVE ON THE CURRENT DEBATE IN SOUTH AFRICA

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When political scientists and analysts look at what electoral systems can be found "out there", i.e. around the world, there is clear agreement between these professional observers, comparativists, analysts, etc. about one thing. What all these good people can at least agree on is that electoral systems can conveniently be subdivided into three main families. These are: (1) plurality and majority systems; (2) semi-PR systems; and (3) PR systems (see, e.g., Reynolds and Reilly with Asmal et al., 1997: 18ff; Lijphart, 1994). Further details can of course be provided, but this is not necessary here.¹

There is also more or less agreement among us, who make a living out of categorising electoral systems, that when we move from less free to more free countries and further on to established democracies, then the share of PR systems increases from less than half of all the cases to more than half of all the cases. The main explanation for this difference is that the freer and more established the democracy in question, the more such a democracy endorses and supports the basic democratic values of inclusivity and fairness, and therefore also proportional representation.

What I have in mind is that values such as inclusivity and straightforward fairness (which point in the direction of some kind of proportional representation) are – generally speaking – more treasured, the more democratic the political culture is in a country. It should also be remembered that the lack of interest in PR in many emerging/new democracies is partly due to the simple historical fact that many of these countries inherited their electoral systems from the colonial era – or adopted those used by the colonial powers at home – and did not fully appreciate what other options were available "out there".

Today, I want to focus on electoral systems aiming at proportional representation or – to use the formulation in the South African Constitution, which is so familiar to most of us – "in general, proportional representation". There are many reasons for keeping this very specific focus – including the need not to spend too much time on presentations, at the cost of time for discussion and exchange of views on the best way forward in the current debate in South Africa. However, my main reason for suggesting that we focus on the family of PR electoral systems *out there* is that the brief for the Electoral Task Team is that we keep to the requirements of the constitution. We are therefore bound to stay within the confines of "in general, proportional representation". This is, however, not a problem, as most of us would probably not like to be elsewhere!

We can debate from now until we have two Tuesdays in one week what is meant by the expression "in general, proportional representation". I'll argue that all the different systems that are classified as PR systems – because they intentionally attempt to achieve a reasonable correspondence between vote shares and seats shares for individual parties – do produce "in general" PR. That is, I see it as an umbrella concept, which is particularly attractive because it is unspecific, but also because it allows for inclusion of specific systemic elements, which – taken alone – must detract from proportionality. Such elements may have been introduced for political reasons, but are – in general – considered acceptable because they only detract minimally from the ideal level of proportionality.

An example of this is the formal electoral thresholds in Germany and Denmark, which have both been approved by the courts as not violating the proportionality objective, even though they obviously decrease the general level of proportionality by excluding – on purpose – all parties with less than five per cent of the vote in Germany and less than two per cent of the vote in Denmark.

It is interesting to note that there is not full agreement about what the best way of measuring proportionality (or the flip side: disproportionality) actually is. That is one of the reasons why I see no need to go into any particular detail about what the general level of proportionality (or disproportionality) should be, before we could claim that it was satisfactory (or the contrary). As long as we are dealing with electoral systems, whose *main* objective is to achieve a reasonable degree of proportionality – and as long as they have not been grossly manipulated to produce a particular result – then my claim will be that we have electoral systems which will in effect produce “in general” proportional representation, as the SA constitution requires.

I gather that the term was included in the constitution to avoid any detailed prescription which would complicate – or even inhibit – future discussions. Such debate we have seen unfold over the last five to six years, not only in relation to the electoral system issue (Krennerich & de Ville, 1997: 84), but also in relation to the crossing-the-floor issue. I primarily see the formulation as a clever political precaution, which needs no clarification, as this could ruin the reason why it is there in the first place, which apparently was to leave some room for manoeuvring.

One very robust conclusion of research into the possible effects of different electoral systems – e.g. on the proportional representation of the political parties in the assembly – is that the electoral system as such – the formula as it is sometimes called – has a major impact on the number of seats, which a specific pattern of popular support will make available to the various contestants. However, this robust result follows from research on variation *across* the three different electoral system families (see above), not from analyses of variation *within* the family of PR systems.

Within the family of PR systems, we don't see similarly strong differences between levels of proportionality as when we compare systems belonging to the three main families. The immediate consequence is that it is not particularly important for the overall proportionality of the outcome of the election if we use one or another of the various PR formulas available (on the same vote distribution, of course), and especially if the number of seats to allocate by PR is not too small. Examples of such calculations are plentiful in the scholarly literature (see, e.g., Nohlen, 1990: 85, 193-194; Elklit, 2002: 10).

Between 70 and 80 countries now use an electoral system which can be categorised as aiming at “in general” proportional representation, even though this specific expression is – to the best of my knowledge – only used in South Africa (which testifies to the foresight of some of the South African electoral system negotiators). Since there are so many PR systems – and as they have developed differently over the last 100 years or so – I have decided against taking you through all of them, and not even most of them. One reason is that it would be both confusing and boring. More importantly, however, is that it probably would be of no real value, because the variation between the different PR systems is basically the different combinations of various electoral system components, and the differences in their effects on the level of proportionality is then to be explained by the *combined* effects of these different systemic elements.

Research on electoral systems has distilled the most important constituent parts of these proportional representation systems. When I say *important* constituent parts, I have in mind that they – both separately and together, but always within the PR family – have the most decisive influence on the level of proportionality which can be obtained. I now

intend to provide an overview of the various components so that at the end of this exercise we will have a basic electoral systems design tool kit, which will include the basic elements required to have “in general, proportional representation”.

Which of these seven components – all of which are present in various combinations in all PR electoral systems – are most important, most consequential? Obviously, what we see as important depends on what we prioritise. All the various options, which exist in relation to each of the seven systemic components, have some merit, some importance, and particularly so when we look at the way in which they interact. Therefore, one can argue in favour of each and every option and also in favour of many of the combinations. But as I said earlier, we are still looking only at members of the family of PR systems and their various mutations, and that should not be forgotten.

However, if I had to identify the most important elements for achieving a high level of proportionality – which is of fundamental importance for me (and many others as well) as it reflects the respect for inclusivity and fairness in the allocation of seats – I would opt for the constituency structure (especially the constituency magnitude component) and the issue of whether or not there is a formal electoral threshold (combined with the surplus seat). If accountability was the main issue, I would still point to the constituency structure, but I would also include the type of lists used.

Lists of candidates come in many different forms: (1) closed lists, where the order of candidates cannot be changed; (2) open lists, where personal votes cast by the voters directly for each individual candidate determine who gets elected or not; and (3) semi-open (or semi-closed) lists where personal votes under certain circumstances can influence who gets elected, thereby over-riding the order of priority established by the party. Understanding how the various semi-open lists actually work in different countries is not easy, but the introduction of open or semi-open lists have generally been seen as a good way of introducing a clear element of accountability into proportional representation electoral systems, as it allows voters to reward or punish individual politicians, who have not – in the opinion of the voters – done a proper job – or have represented them in a way they don't appreciate. So these types of lists allow an element of accountability and have been introduced for exactly that reason.

1. Formula?	Quota methods	- Divide votes by some predefined quota to see how many seats each party is entitled to. - Rules for handling "remainders" required - STV a special case
	Divisor methods	- Divide by some string of divisors to see what quotients entitle parties to a corresponding number of seats (d'Hondt; St. Laguë; modified St. Laguë, etc.)
2. Constituency structure?	Constituency magnitude	- The number of seats in a constituency is important for the level of proportionality which can be obtained
	Tier structure	- One tier-systems: Entire country or some sub-division - Two tier-systems: Usually entire country + some subdivision, which is less important for the overall level of proportionality
3. Surplus seats?	Yes/No	- Only relevant in two-tier systems: Are surplus seats available if a situation should arise where there are too few compensatory seats available to ensure full proportionality?
4. Formal electoral threshold?	Yes/No	- Normally used to decide what parties are entitled to compensatory (or top-up) seats. - Per cent or fixed number of valid votes cast, or one or more seats at the lower-level tier?
5. Electoral alliances possible?	Yes/No	- Normally to allow parties to join forces to pass a formal threshold, but then what is the purpose of having a threshold? Less important in other respects.
6. Is split voting (or vote splitting) possible?	One ballot	- Why combine two-tier systems with a one-ballot system?
	Two ballots	- Allows voters to vote differently on the two levels in two-tier systems, which makes sense, but may have drawbacks/disadvantages
7. Lists	Closed?	- No voter influence on the order in which candidates are selected to fill the number of seats won by parties

	Semi-closed?	- Some voter influence is possible (the Netherlands, Belgium, and elsewhere). Various variations
	Open?	- Candidates are chosen on the basis of the number of votes cast for them as individuals. Will normally require that the names of all candidates are printed on the ballot paper - STV as a special case

But “importance” is not an easy topic to discuss, as people have different political value systems and consequently appreciate and cherish different basic values also in relation to electoral issues. In relation to electoral systems, such basic values may include – as we have already heard – simplicity, inclusivity, fairness, and accountability. I shall not ponder over these values, but it is easy to see that they must impact on how one chooses one’s electoral system elements.

Allow me to illustrate: I have said that we do not have to be too concerned about the specific PR formulas we use, as all the standard formulas will – in general – provide for proportional presentation, especially when the constituency magnitude is not too small. But under specific conditions small differences in relation to seat allocation can be identified between the various divisor methods (d’Hondt tends to be more favourable to big parties, the pure St. Laguë to small parties), while the standard Hare quota method (with so-called largest remainders) does not differentiate between big and small parties. This – in my opinion – is more fair, and the use of a modification of that method in the current South African system (the so-called Droop quota), testifies to a strong element of electoral fairness, which is reflected in the present electoral legislation of this country. Allow me nevertheless to mention that it has been demonstrated that there appears to be a higher average level of disproportionality when using Droop quotas than when using Hare quotas (Lijphart, 1994: 96).

There is general scholarly agreement on the importance of the constituency magnitude for the level of proportionality which can be achieved. In cases like South Africa or Denmark, where the entire country is effectively one multi-member constituency – with 400 seats in South Africa and 175 in Denmark – proportionality is not a serious problem, in spite of the formal two per cent threshold in Denmark. The dominance of the national level on seat allocation in two-tier systems of this type – which also includes countries like Germany and Sweden, Lesotho and New Zealand – explains why the seat allocation system used at the lower level (or tier) is of no real significance for the level of proportionality which can be achieved.

The reason is that a large number of seats allows you to come very close percentage-wise to the vote distribution. If seats are basically being allocated on the basis of the national vote distribution, then seat allocation at the lower level (whether it is South African provinces, Swedish or Danish counties, or single-member constituencies, like in Lesotho or Germany) is not particularly important for the level of proportionality which is attained. But even here, things get better when you can distribute the seats in the lower-level multi-member constituency by proportional representation, because then a smaller number of national, compensatory seats will be needed to provide full national proportionality.

It is not unimportant how seats are allocated at the lower level, but it is more important that other values – such as accountability – can be also pursued at the lower level. If these multi-member, lower-level constituencies are too big, this is not possible, but if they are smaller – e.g. on average six to nine seats – then it is easier for voters to put a face to *their* representatives, i.e. to those who have been elected in their district to represent them (at the same time as they are also representing the entire country). That is one

reason why systems with relatively small multi-member constituencies are seen as a constructive way of combining various political value considerations in some PR countries.

If this argument is taken to its logical conclusion, then we will end with the MMP model – used e.g. in Lesotho and Germany – where some seats are allocated in single-member constituencies (sometimes 50 per cent of the total number of seats), while the rest are used as compensatory seats, to allocate to those parties who have won less than their proportional share of the seats in the constituencies. This system has often inspired reflection and thinking in this country (see, e.g., Faure 1999), but a main problem is that it requires that a fairly considerable share of the seats are compensatory seats, if full proportionality is still to be achieved (cf., e.g., the outcome in the May elections in Lesotho (Elklit, 2002, forthcoming)) – and then there is only a correspondingly smaller number of seats to be used as single-member constituency seats. The unavoidable consequence is that the constituencies become too big to provide the close linkage between voters and representatives, which most of us probably consider the main *raison d'être* for having single-member constituencies, and which would most certainly also be the problem here in South Africa.

To establish an overview of how these variables interact is not easy. In the following table, I have combined two of the components, the number of ballots and the constituency structure (number of tiers + character of the lower-level tier(s) in the case of two- and three-tier systems). The table probably speaks for itself.

Number of tiers	Entire Country	Provinces or Regions	Smaller units, e.g. counties	Single-member constituencies	Number of ballots	
					1	2
1	X			Not appl.	The Netherlands Israel	Not appl.
		X		Not appl.	Spain	Not appl.
			X	Not appl.	Finland Ireland	Not appl.
2	X	(X)			South Africa	
	X		(X)		Denmark Norway Sweden	
	X			(X)		Germany Lesotho New Zealand
		X		(X)	Bolivia	
3	X		X	(X)		Hungary

(X) indicates the less decisive level (or tier)

I have prepared a table to illustrate how the current South African system scores in terms of the seven individual electoral system components. And my idea is not to start a discussion of the current system here and now, but only to demonstrate how all seven components are inherent – one way or the other – in all PR systems, and therefore also in the current South African system.

The next step is then to include another country, and Denmark is an obvious choice – not because I'm familiar with that system (Elklit, 1999; 2002), but because we find some illustrative differences from the South African system, which demonstrates how legislators can be attracted by different solutions when they design electoral systems.

South Africa's Current Electoral System		
1. Formula?	Quota methods	- National level: Droop quota + largest remainders (max. five). Subsequent unawarded seats to be awarded by highest averages of votes per seat - Provincial level: Droop quota + largest remainders
	Divisor methods	Not applicable
2. Constituency structure?	Constituency magnitude	1. National constituency: 400 (200) 2. 200 seat allocated proportionally to nine provinces (1999: variation 4-46, with an average magnitude of 22.2)
	Tier structure	Two tiers, national level decisive
3. Surplus seats?	Yes/No	No
4. Formal electoral threshold?	Yes/No	No
5. Electoral alliances possible?	Yes/No	No (– but declaration of support for another party possible, to allow that party to benefit from the votes cast at a level, where the party is not running)
6. Split voting (or vote splitting) possible?	One ballot	Yes, ballot goes to same party at both levels
	Two ballots	-
7. Lists	Closed?	Yes
	Semi-closed?	-
	Open?	-

		South Africa	Denmark
1. Formula?	Quota methods	- National level: Droop quota + largest remainders (max. five). Subsequent unawarded seats to be awarded by highest averages of votes per seat - Provincial level: Droop quota + largest remainders	- National level: Hare + largest remainders
	Divisor methods	-	- Multi-member constituencies: Modified St. Laguë
2. Constituency structure?	Constituency magnitude	-National constituency: 400 (of which 200 are compensatory seats) -200 seat allocated proportionally to nine provinces (1999: variation 4-46, with an average magnitude of 22.2)	-National constituency: 175 (of which 40 are compensatory seats) -135 allocated proportionally to 17 multi-member constituencies (2001: variation 2-16, average 7.9)
	Tier structure	Two tiers, national level decisive	Two tiers, national level decisive
3. Surplus seats?	Yes/No	No	No
4. Formal electoral threshold?	Yes/No	No	Yes: parties must fulfil any one of three requirements to be entitled to compensatory seats: -a seat in a multi-member constituency -2 % of all valid votes -average number of votes per seats in two of three "provinces"
5. Electoral alliances possible?	Yes/No	No	No
6. Split voting possible?	One ballot	Ballot goes to same party at both levels	Ballot goes to same party at both levels
	Two ballots	-	
7. Lists	Closed?	Yes	-
	Semi-closed?	-	Parties choose themselves if they will run a semi-closed or an open list
	Open?	-	Parties choose themselves if they will run a semi-closed or an open list

The next table juxtaposes Germany and the Netherlands, to give you a feel of how these two electoral systems score on the seven PR electoral system components. Germany was chosen as a natural follow-up to my previous remarks, and the Netherlands will show what the system looks like in a one-tier country.

		Germany	The Netherlands
1. Formula?	Quota methods	- Niemeyer (=Hare) quota + LR	- Hare Quota
	Divisor methods	-	- d'Hondt for remainders
2. Constituency structure?	Constituency magnitude	- National constituency: 656 (328 are compensatory seats, but they are allocated in the federal <i>Länder</i>) - 328 seats are allocated in single-member constituencies	-150 seats in one national constituency
	Tier structure	Two tiers, national level decisive	- one national constituency
3. Surplus seats?	Yes/No	Yes (13 in 1998), so the eventual size of the <i>Bundestag</i> was 669	Not applicable
4. Formal electoral threshold?	Yes/No	- 5% of the national vote, or - 3 single-member seats	Yes. The Hare quota (100% / 150 = 0.66667% of the national vote) is also the formal electoral threshold
5. Electoral alliances possible?	Yes/No	No	Yes
6. Split voting possible?	One ballot	-	One ballot only, so split voting is not a possibility
	Two ballots	Yes, and it is being used more and more	-
7. Lists	Closed?	Closed	-
	Semi-closed?	-	Semi-closed
	Open?	-	-

Conclusion:

- PR electoral systems belong to a specific family of electoral systems, which all provide for "in general, proportional representation"; intra-family variation in levels of disproportionality etc. is much smaller than inter-family variation, i.e. between, e.g., PR systems and majority systems.
- Seven basic electoral system components were identified. These components are essential when it comes to the construction of an electoral PR system, because they are our electoral systems design tool kit. Electoral system engineers must decide on all seven (maybe only by default).
- It is easy to get confused when comparing electoral systems and their constituent elements. However, in two-tier systems one should always start by identifying the decisive tier. If this is the national level (like in South Africa, Denmark, Sweden, Germany, Lesotho, New Zealand, etc.), then the systems will have a number of similarities, e.g. regarding the level of proportionality, which they will display.
- The following systemic elements: Constituency magnitude, constituency structure, the formal electoral threshold (if any), and the surplus seats (if any) have more effect on levels of proportionality than the other elements in PR systems.
- Under PR, issues related to gender, ethnic group and interest group representation are more easily settled than in the other electoral system families. Under closed list systems (and particularly with many names on the list, i.e. in large constituencies), political parties can more easily place representatives of such groups on the list in such a way

that they gain representation (South Africa is a good case in point here). Under open and semi-open list systems, parties are more inclined to present candidates from these groups, in order to attract votes from these groups (women, various ethnic groups, and/or interest group representatives).

- The overall conclusion is that it will be difficult to improve the current South African electoral system by importing electoral system elements found “out there”. The only two elements to consider are: (1) the formula (especially how seats not allocated by full quotas are handled); and – and much more importantly – (2) the constituency structure, i.e. whether or not the benefits will outweigh the costs if the lower-level, less important provincial sub-units are being replaced by smaller units, which are still multi-member constituencies, and where seats are still being allocated by PR.

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ⁱ Dren Nupen and Birgitta Wistrand both kindly commented on an incomplete first draft for this paper. Their comments were much appreciated.