



The Importance of Process in Electoral System Reform: an Information Brief

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International IDEA is undertaking programming in Myanmar to develop knowledge resources, promote institutional development and facilitate inclusive and informed dialogue about democratic reform options.

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The choice of electoral system is one of the most important institutional decisions for any democracy. In almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned. Ahead of the 2015 general elections, the parliamentary ‘Commission for Observation of the Electoral System Fit for the Republic of the Union of Myanmar’ was formed to review the electoral system. In September International IDEA in Myanmar, provided testimony upon invitation of the commission. Referring to the new Handbook on Electoral System Design that was published in Burmese earlier this year, The presentation emphasized the importance of a careful and inclusive process to design an electoral system. Although the Pyithu Hluttaw (Lower House) has decided not to proceed with electoral system change, the Amyotha Hluttaw (Upper House) continues to explore this option. Therefore, this issue remains highly relevant.

Based on extensive research and experiences from around the world, the Electoral System Design Handbook concludes that the process through which an electoral system is designed or altered has a great effect on the type of the system which results, its appropriateness for the political situation, and the degree of legitimacy and popular support it will ultimately enjoy. Drawing on these lessons and international comparisons, this Information brief introduces readers to the essential issues in this process.

This is part of a series of information briefs to stimulate in-country reflection and discussion on issues important to Myanmar’s democratic transition and draws most of its content from Electoral System Design: The New International IDEA Handbook.¹ International IDEA policy briefs are informative rather than prescriptive and they do not cover all possible scenarios.

¹ The first information brief “Freedom of Movement in Political Campaigning” was published in May 2014. A. Reynolds, B. Reilly and A. Ellis (Eds.), Electoral System Design: A New International IDEA Handbook, International Institute for Democracy and Electoral Assistance, Stockholm, 2008.

Introduction

Electoral systems are today viewed as one of the most influential of all political institutions, and of crucial importance to broader issues of governance and the wider political system. For example, it is increasingly being recognized that an electoral system can be designed both to provide local geographic representation and to promote proportionality; can promote the development of strong and viable national political parties, and ensure the representation of women and regional minorities; and can help to 'engineer' cooperation and accommodation in a divided society by the creative use of particular incentives and constraints.

Decisions to change, or indeed to keep in place, an electoral system are often affected by one of two circumstances:

- either political actors lack basic knowledge and information so that the choices and consequences of different electoral systems are not fully recognized;
- or, conversely, political actors use their knowledge of electoral systems to promote designs which they think will work to their own partisan advantage.

The choices that are made may have consequences that were unforeseen when they are introduced, as well as effects which were predicted. These choices may not always be the best ones for the long-term political health of the country concerned, and at times they can have disastrous consequences for its democratic prospects.

The background to a choice of electoral system can thus be as important as the choice itself. Electoral system choice is a

fundamentally political process requiring public debate and careful consensus building, rather than a question to which independent technical experts can produce a single 'correct answer'.

Some key questions of electoral system design are: Who designs? That is, who puts the idea of electoral system change onto the political agenda, and who has the responsibility for drawing up a proposed new or amended system and through what type of process? What are the mechanisms built into the political and legal framework for reform and amendment? What process of discussion and dialogue is necessary to ensure that a proposed new or amended system is accepted as legitimate? Once change has been decided upon, how is it implemented?

The significance of the process of change

The way in which a particular electoral system is chosen is extremely important in ensuring its overall legitimacy. A process in which most or all groups are included, including the electorate at large, is likely to result in significantly broader acceptance of the end result than a decision perceived as being motivated by partisan self-interest alone. Although partisan considerations are unavoidable when discussing the choice of electoral systems, broad cross-party and public support for any institution is crucial to its being accepted and respected.

Therefore, it is essential to build legitimacy and acceptance among all key actors that are involved in the political process. All groupings which wish to play a part in the democratic process should feel that the electoral system to be used is fair and gives them the same chance of electoral success as anyone else.

The paramount aim should be that those who 'lose' the election cannot translate their disappointment into a rejection of the system itself or use the electoral system as an excuse to destabilize the path of democratic consolidation. In 1990 in Nicaragua, the Sandinistas were voted out of the government but accepted the defeat, in part because they accepted the fairness of the electoral system. Cambodia, Mozambique and South Africa (see box 1) were able to end their bloody civil wars through institutional arrangements which were broadly acceptable to all sides.

Box 1: Case study: South Africa

When political actors negotiate over a new electoral system they often push proposals which they believe will advantage their party in the coming elections. However, this can often be an unwise strategy, particularly in developing nations, as one party's short-term success or dominance may lead to long-term political breakdown and social unrest. For example, in negotiations prior to the transitional 1994 election, South Africa's ANC could reasonably have argued for the retention of the existing First Past the Post electoral system (FPTP – see the section 'Electoral systems: some of the options' for more information), which would probably have given it, as by far the largest party, a seat bonus over and above its share of the national vote. That it argued for a form of Proportional Representation (PR), and thus won fewer seats than it could have under FPTP,

was a testament to the fact that it saw long-term stability as more desirable than short-term electoral gratification.

Source: Electoral System Design: The New International IDEA Handbook, p.162

Electoral system change might seem a good idea to political insiders who understand the flaws of the existing system, but unless proposals for reform are presented in an appropriate way the public may well reject tinkering with the system, perceiving reform to be nothing more than a case of politicians altering the rules for their own benefit. Most damaging are situations when the change is seen to be a blatant manoeuvre for political gain, or when the system alters so frequently that the voters do not quite know where they are.

Even with the current increased interest in electoral systems, the number of people, both in elite circles and in society generally, who understand the likely impact of changes may be very limited. This is further complicated by the fact that the operation of electoral systems in practice may be heavily dependent on apparently minor points of detail. Furthermore, when elections take place at three or more levels, to the upper chamber of the legislature, the lower chamber of the legislature, and the institutions of government at regional level, it is crucial that the systems used are considered together.

Reformers may need not only to fully work through and explain the legal detail that would be necessary to implement change, but also to make technical projections and simulations to show, for example, the shape and implications of proposals on electoral districts or the potential impact on the representation

of political parties. Significant voices in civil society, academia and the media may contribute to developing a public perception that change is necessary. Voter involvement programmes, for example, inviting members of the public to participate in mock elections under a potential new system, may attract media attention and increase familiarity with proposals for change. They may also help to identify the problems - for example, voter difficulty with ballot papers - which a new system may generate. Technical simulations can also be used to ensure that all contingencies are covered and to evaluate apparently unlikely outcomes: it is better to answer questions while change is being promoted than in the middle of a crisis later!

A careful and inclusive process: selecting and prioritizing criteria

There is much to be learned from the experience of others. But it is important to realize that a given electoral system will not necessarily work in the same way in different countries. Although there are some common experiences in different regions of the world, the effects of a particular type of electoral system depend to a great extent on factors such as how a society is structured in terms of ideological, religious, ethnic, racial, regional, linguistic or class divisions; and whether the country is an established democracy, a transitional democracy or a new democracy.

For this reason the would-be electoral system designer is recommended to begin with the criteria for choice. The ten criteria outlined in box 2 cover many areas, but the list is not exhaustive and the reader may add a host of equally

valid items. Moreover, these criteria are at times in conflict with each other or even mutually exclusive. The designer of an electoral system must therefore go through a careful process of prioritizing which criteria are most important to the particular political context before moving on to assess which system will do the best job. A useful way forward is first to list the things which must be avoided at all costs, such as political catastrophes which could lead to the breakdown of democracy. Establishing the priorities among such competing criteria can only be the domain of the domestic actors involved in the institutional design process. The designer can then move on to the options available and their likely consequences and the process of consultation and debate that will precede the adoption of a new electoral system (box 3 provides a checklist).

Box 2: Ten criteria for the electoral system designer to take into account

1. Providing representation Representation may take at least four forms.

- First, geographical representation implies that each electoral district has members of the legislature whom it chooses and who are ultimately accountable to their area.
- Second, the ideological divisions within society may be represented in the legislature.
- Third, a legislature may be representative of the party-political situation even if political parties do not have an ideological base.
- Fourth, descriptive representation considers that the legislature should be to

some degree a 'mirror of the nation'. Thus, it would include both men and women, the young and the old, the wealthy and the poor, and reflect the different religious affiliations, linguistic communities and ethnic groups within a society.

2. Making elections accessible and meaningful

The 'ease of voting' is determined by factors such as how complex the ballot paper is, how easy it is for the voter to get to a polling place, how up-to-date the electoral register is, and how confident the voters will be that their ballot is secret. Voters should feel that elections provide them with a measure of influence over governments and government policy. They should also feel confident that their vote has a genuine impact on the formation of the government, not just on the composition of the legislature.

3. Providing incentives for conciliation

Different electoral systems can aggravate or moderate tension and conflict in a society. Some systems, in some circumstances, will encourage parties to make inclusive appeals for support outside their own core support base. But they can also exacerbate negative tendencies which already exist, for example, by encouraging parties to see elections as 'zero-sum' contests and thus to act in a hostile and exclusionary manner to anyone outside their home group. And if an electoral system is not considered fair

and the political framework does not allow the opposition to feel that they have the chance to win next time around, losers may feel compelled to work outside the system, using non-democratic, confrontationalist and even violent tactics.

4. Facilitating stable and efficient government

Different electoral systems have marked implications for governance in parliamentary systems. In particular, there is an inbuilt tension between electoral systems which maximize the potential for one-party government (e.g. plurality/majority systems) and those which make multiparty coalitions more likely (e.g. proportional systems). Both constellations have clear policy impacts: single-party government makes decisive policy making and clarity of responsibility much easier, while coalitions are more likely to produce more representative policies and more inclusive decision making.

5. Holding the government accountable

Accountability is one of the bedrocks of representative government. Its absence may indeed lead to long-term instability. An accountable political system is one in which the government is responsible to the voters to the highest degree possible. Voters should be able to influence the shape of the government, either by altering the coalition of parties in power or by throwing out of

office a single party which has failed to deliver.

6. Holding individual representatives accountable

Different kinds of electoral system also result in different relationships between individual candidates and their supporters. In general, systems which make use of single-member electoral districts, such as most plurality/majority systems, are seen as encouraging individual candidates to see themselves as the delegates of particular geographical areas and beholden to the interests of their local electorate. By contrast, systems which use large multi-member districts, such as most PR systems, are more likely to deliver representatives whose primary loyalty lies with their party on national issues.

7. Encouraging political parties

The desire to maximize voter influence should be balanced against the need to encourage coherent and viable political parties. There is widespread agreement among political scientists that broadly-based, coherent political parties are among the most important factors in promoting effective and sustainable democracy.

8. Encouraging legislative opposition and oversight

The electoral system should help ensure the presence of a viable opposition grouping which can critically assess legislation, question the performance

of the executive, safeguard minority rights, and represent its constituents effectively. Opposition groupings should have enough representatives to be effective (assuming that their performance at the ballot box warrants it) and in a parliamentary system should be able to present a realistic alternative to the current government.

9. Making the election process sustainable

Any choice of electoral system has a wide range of administrative consequences, such as the drawing of electoral boundaries, the registration of voters, the design and production of ballot papers, voter education and the count. The stresses which any electoral system places on a country's administrative capacity will be determined primarily by history, context, experience and resources. But different electoral systems give rise to different administrative complexities and costs that are important for their legitimacy and long-term sustainability. This does not, however, mean that the most straightforward and least expensive system is always the best choice.

10. Taking into account 'international standards'

Finally, the design of electoral systems today takes place in the context of a number of international covenants, treaties and other kinds of legal instruments that set standards for the principles of

free, fair and periodic elections that guarantee universal adult suffrage, the secrecy of the ballot and freedom from coercion, and a commitment to the principle of one person, one vote. There is also an increasing recognition of the importance of issues that are affected by electoral systems, such as the fair representation and rights of all citizens, including women, minorities, the disabled, and so on.

Box 3: A design checklist

- ☐ Is the system clear and comprehensible?
- ☐ Has context been taken into account?
- ☐ Is the system appropriate for the time?
- ☐ Are the mechanisms for future reform clear?
- ☐ Does the system avoid underestimating the electorate?
- ☐ Is the system as inclusive as possible?
- ☐ Was the design process perceived to be legitimate?
- ☐ Will the election results be seen as legitimate?
- ☐ Are unusual contingencies taken into account?
- ☐ Is the system financially and administratively sustainable?
- ☐ Will the voters feel powerful?
- ☐ Is a competitive party system encouraged?
- ☐ Does the system fit into a holistic constitutional framework?
- ☐ Will the system help to alleviate conflict rather than exacerbate it?

Electoral systems: some of the options

Once a decision has been made about the important goals to be achieved—and the important pitfalls to be avoided—in a new electoral system, there are a group of electoral system design tools which can be used to help achieve these goals. They include, among others, electoral system family and type, district magnitude, the relative role of political parties and candidates, the timing and synchronization of elections, and quotas and other special provisions. These tools will work differently in different combinations and their effect will also depend on other institutional framework tools, such as the requirements for registration and management of political parties and the role of instruments of direct democracy—referendums, citizens' initiatives, and recall.

There are countless electoral system variations but essentially they can be divided into 12 main systems, the majority of which fall into three broad families: plurality/majority systems, proportional systems, and mixed systems (see figure 1). The most common way to look at electoral systems is to group them according to how closely they translate national votes won into legislative seats won, that is, how proportional they are. The distinguishing feature of plurality/majority systems is that they usually use single-member districts. In a First Past The Post-system (FPTP) the winner is the candidate with the most votes but not necessarily an absolute majority of the votes.

The rationale underpinning all Proportional Representation-systems (PR) is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary

seats. Mixed systems use elements of both plurality/majority and PR systems. Finally, there are three systems do not fit neatly under any one of the above-mentioned categories.

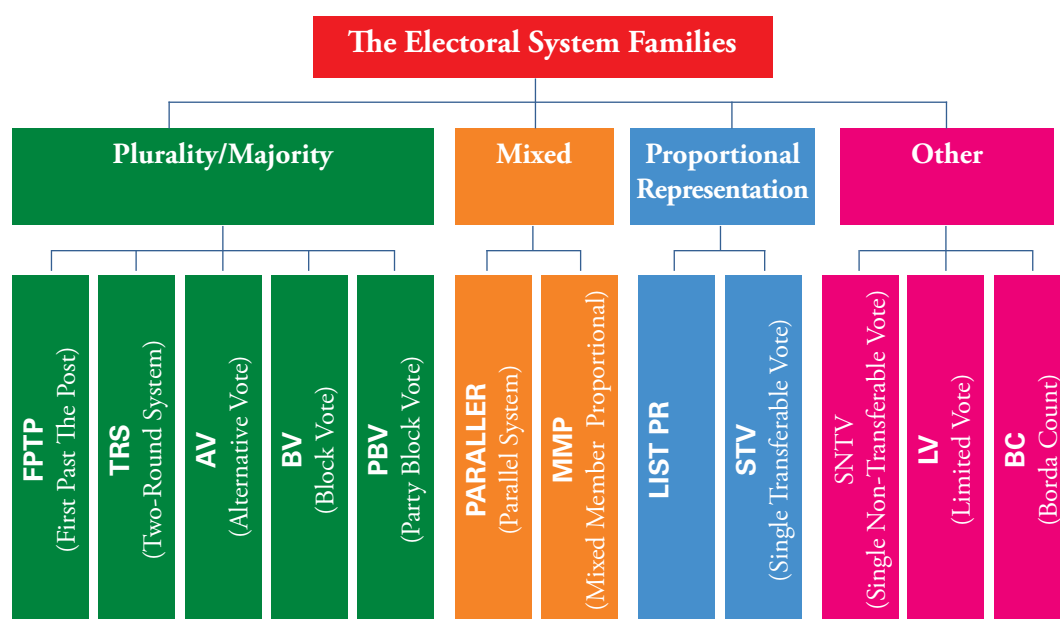
Designing an electoral system is not the end

A process of change is complete only with intensive voter education programmes to explain to all participants how the new system works and with the design and agreement of user-friendly implementing regulations. The most effective voter education—and election administrator education—takes time. However, time is often in short supply to an electoral management body (e.g. the Union Election Commission in Myanmar) organizing an election under a new system. All good negotiators use time pressure before a final agreement is reached, and this is particularly true when the new system is the product of hard negotiation between political actors.

Having discussed the process of change in some depth, a word of caution is needed. Because electoral systems have psychological as well as mechanical effects, the long-term effect of changes may take some time to work through (see figure 2). The mechanical impact is most apparent in the way different electoral systems tend to encourage different kinds of party system. Plurality/majority systems often tend to have a constraining effect on party numbers, while proportional systems tend to be more ‘permissive’, resulting in a greater diversity of parties. The psychological impact of electoral systems reinforces this mechanical effect: under FPTP rules, voters who wish to support a minor party are often faced with a dilemma as to how best to avoid ‘wasting’ their vote, as only one candidate can be elected from any single-member district. Parties, candidates and voters may take two or three elections to fully observe and respond to the effects and incentives of particular changes.

Judgement may be necessary as to whether problems in a new or amended

Figure 1: The Electoral System Families

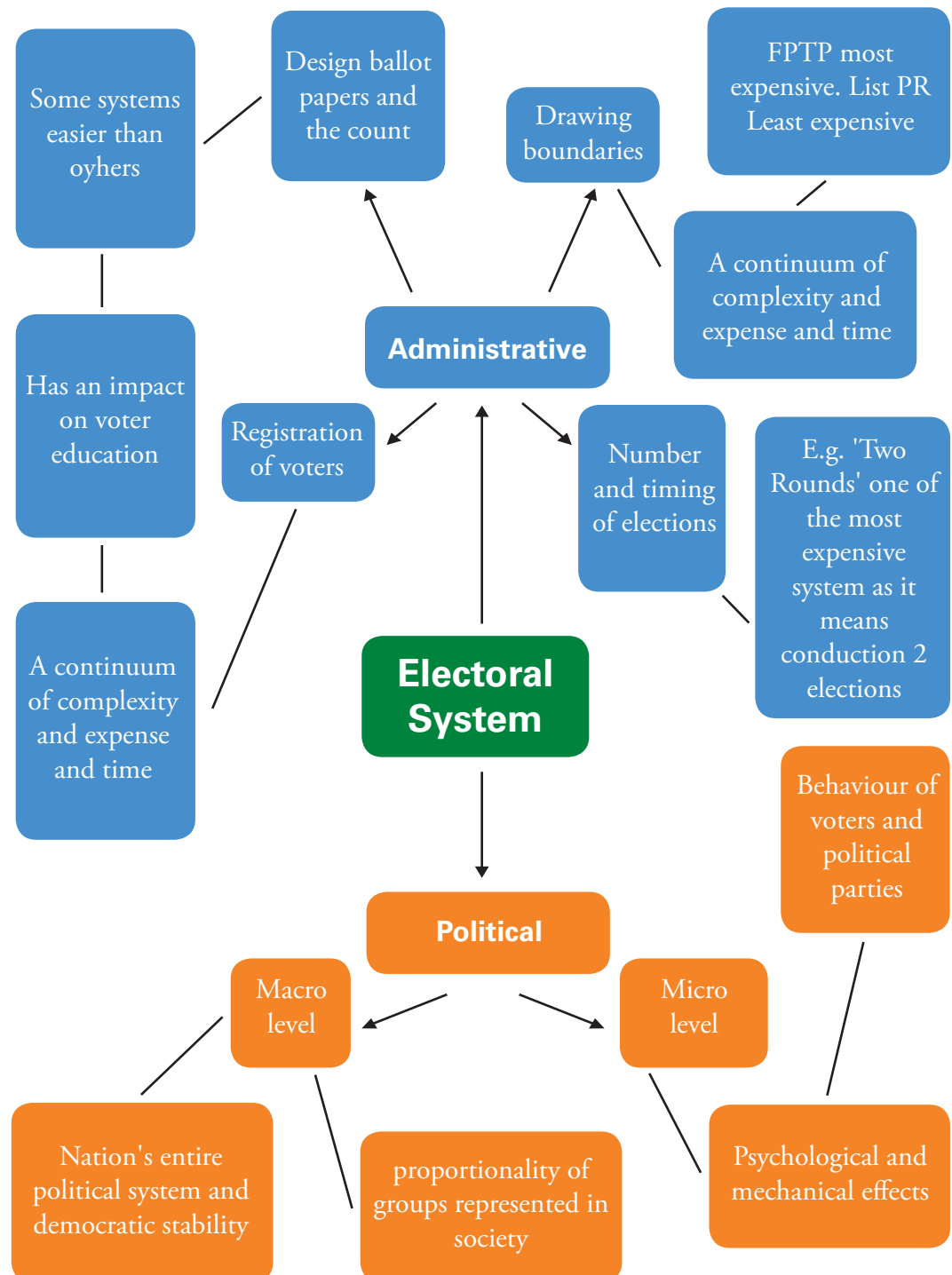


electoral system are merely transitional or whether they show that the system is fundamentally flawed and requires urgent amendment or replacement. All electoral systems create winners and losers, and therefore vested interests. When a system is already in place, these are part of the political environment.

At a time of change, however, it may be unwise to assume that it will be easy to gain acceptance later to fix problems which arise.

The new International IDEA Handbook on Electoral System Design does not necessarily advocate wholesale changes

Figure 2: The Effects of an Electoral System



to existing electoral systems; in fact, the comparative experience of electoral reform to date suggests that moderate reform, building on those parts of an

existing system which work well, is often a better option than jumping to a completely new and unfamiliar system.

Further Reading

Has this information brief made you curious to learn more about the design and effects of electoral systems? The 'Electoral System Design: The New International IDEA Handbook' provides you with an in-depth understanding of the issues at stake with illustrative case studies from around the world. It is now also available in Burmese.

The Handbook's table of contents:

1. Overview
2. The world of electoral systems
3. The systems and their consequences
4. Electoral systems, institutional frameworks and governance
5. Cost and administrative implications of electoral systems
6. Advice for electoral system designers

A full-text electronic version (in Burmese) of the Handbook is available for download here: <http://www.idea.int/publications/esd/bu.cfm>. An overview (in Burmese) can be found here: http://www.idea.int/publications/esd/overview_my.cfm To obtain a free hardcopy version in Burmese please call us (- 95 – (0)1-389202), send us an e-mail (info-myanmar@idea.int) or pick up a copy at our office: Room 5C, Yatha Condominium, 458 – 460, corner of Mahabandoola Road and 1st street, Pabedan Township, Yangon.