

CONSIDERATIONS FOR AN ELECTORAL SYSTEM FOR IRAQ'S TRANSITION PERIOD

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Recommendations

As this report demonstrates, there are many types of election systems, each with its own advantages and disadvantages. However, no system in particular is immediately obvious as the ideal choice for electing the National Assembly. Therefore, one requires a systematic approach to selecting a suitable system. It may be worth considering each class of systems independently first and deciding upon the most appropriate from each.

Any system of elections employed for Iraq's transition period needs to fulfil several requirements that reflect the current status of the country. The first of these is that the actual process of voting should be very simple for the electorate. With no real experience of elections, after decades of dictatorship, any system that requires the voter to make more than one choice will likely lead to confusion and should be avoided. Furthermore, the results of any system need to be easy to explain and understand otherwise this will fuel conspiracy theories and sour the voting experience. Secondly, systems that are more inclusive should be favoured over systems that are not. The process of drafting a constitution and guiding the country through the transition period needs to include as many sections of Iraqi society as possible. Finally, the fewer constituency borders that a system requires the better since this will minimize the political wrangling that will undoubtedly occur.

The complexities of the Block Vote and Alternative Vote, both of which require more than one selection by the voter, make them an unfavourable choice from the Majority-Plurality systems. The likely possibility of many wasted votes and lack of minority representation under First Past the Post also rules out this system as an appropriate choice for Iraq's transition. This leaves the Two-Round system which, although is more costly, is possibly the most appropriate choice for the National Assembly from this class of systems owing to its simplicity for the voter and the fact that it ensures the winning candidate has a

majority of the votes. However, all Majority-Plurality systems are liable to leaving large sections of the population unrepresented.

From the Semi-Proportional systems, the Parallel Vote is undesirable as it often leaves voters confused and is complex. The Single Non-Transferable Vote is an attractive option since it improves proportionality, limits the need for boundary definitions (yet does not totally exclude it), and is very simple to conduct and explain. However, it can mean that candidates with a very small percentage of votes can win seats, especially in regions where one candidate sweeps a majority of votes.

The final class of systems is that of Proportional Representation, which tend to ensure the greatest degree of inclusion of all the classes of systems. However, the compounding complexities of the Single Transferable Vote system would not be suitable for national elections in Iraq during the vulnerable transition period. At the same time the Mixed Member Proportional system would produce confusing results that will undoubtedly spark a wave of conspiracy theories in a country unaccustomed to elections. This only leaves the List Proportional Representation system which is certainly not suitable if applied on a countrywide scale, since Iraq lacks a well developed political party system. However, it can be argued that List PR confined to each province may be workable, allowing independents a realistic chance of being elected. In addition, a Provincial List PR system would produce very few wasted votes and thus give the greatest proportion of voters a stake in Iraq's transition.

A study of the Single Non-Transferable Vote reveals that its greatest disadvantage, allowing candidates with a very small percentage of the vote to win, can be resolved by applying a minimum threshold percentage that winning candidates must achieve. Such a threshold can be defined on the basis that if all winning candidates achieved only this minimum threshold of votes then their combined percentages would equal a majority of votes cast (e.g. for a two-seat district the minimum threshold would be 25% of votes, for three seats it would be 16.7%, for four seats 12.5%, etc.). This will produce a

hybrid system that would on occasions require a second round, as in the Two-Round system, whereby double the number of vacant seats of runners-up proceed to the second round (e.g. if one seat remains then the top two runners-up would proceed to a second round).

In weighing up the advantages and disadvantages of Provincial List PR against the modified Single Non-Transferable Vote, it is clear the former is simpler to administer and avoids any new border delineations while the later is better suited for a country lacking a well defined political party system and provides a stronger link between constituents and their Member of Parliament. It is probable that both systems would produce similar degrees of proportionality.

Majority-Plurality Systems

First Past the Post

In a First Past the Post system, the winning candidate is simply the person who wins most votes in a constituency.

Advantages

- Simple for the voter and produces results which are easy to explain.
- Tendency to produce representatives beholden to geographic areas.
- Encourages parties to submit candidates in regions where their support does not traditionally lie, which discourages sectarian-centred party ideology.
- Gives a chance for popular independent candidates to be elected.

Disadvantages

- Wasted votes: for example, a winning candidate may have only 20% of votes cast, which means that 80% of votes will have been 'wasted'. This is a particular danger in a nascent democracy, such as Iraq, where alienation from the political system increases the likelihood of extremists mobilizing anti-system movements.
- This system produces disproportionate results which especially penalize minorities and excludes them from fair representation.
- Weakens the representation of women according to the Inter-Parliamentary Union's annual study in 1995 of "Women in Parliament".
- Requires district boundaries to be defined in Iraq and this will no doubt be a sticking point in the political process.

Block Vote

The Block Vote is simply the use of First Past the Post voting in multi-member districts and each elector is given as many votes as there are seats to be filled.

Advantages

- Allows for larger constituencies, which will minimize the need for new boundary definitions.
- Encourages and strengthens parties that demonstrate the most coherence and organizational ability.

Disadvantages

- The system carries all the disadvantages of First Past the Post and exaggerates the disproportionality in particular.
- It is not simple for the voter since numerous choices need to be made.

Party Block Vote

There are multi-member districts and voters choose a party rather than an individual. The party winning most votes takes all the seats in the district.

Disadvantages

- Carries all the disadvantages of the Block Vote.
- A critical flaw of the Party Block Vote is the production of 'super-majoritarian' results where one party can win almost all of the seats with a simple majority of the votes.

Alternative Vote

Electors rank candidates in the order of their choice, by marking a "1" for their favourite candidate, "2" for their second choice, "3" for their third choice, and so on. A candidate who has won an absolute majority of votes is immediately elected. However, if no candidate has an absolute majority, the candidate with the lowest number of first preferences is eliminated from the count, and their ballot examined for their second preferences. These are then assigned to the remaining candidates in the order as marked on the ballot. This process is repeated until one candidate has an absolute majority, and is declared duly elected.

Advantages

- In deeply divided society it can compel candidates to seek not only the votes of their own supporters but also the second preferences of others (however, see second disadvantage below).
- Winning candidates will have achieved a majority of votes which can increase the consent given to elected members and thus enhance their perceived legitimacy.

Disadvantages

- Preference voting requires a relatively high degree of political awareness on the part of the voter.
- It is doubtful if the Alternative Vote would promote accommodatory behaviour in deeply divided societies where ethnic groups are concentrated in particular geographic regions, which tends to be the case in some parts of Iraq.
- Does not work well in multi-member districts and thus carries the burden of requiring substantial boundary demarcations.

Two-Round System

The first round is conducted in the same way as a normal First Past the Post election. If a candidate receives an absolute majority of the vote, then they are elected outright, with no need for a second ballot. If, however, no candidate receives an absolute majority, then a second round of voting is conducted, usually as a run-off between the two highest vote-winners, and the winner of this round is declared elected.

Advantages

- Encourages diverse interests to coalesce behind the successful candidates from the first round in the lead-up to the second round of voting, thus encouraging bargains and trade-offs between parties and candidates.
- Lessens the problem of vote splitting, the common situation under First Past the Post elections where two similar parties "split" their combined vote between them, thus allowing a less popular candidate to win the seat.

Disadvantages

- Significantly increases the cost and time of the election process which can lead to instability and uncertainty.
- Sometimes there is a sharp drop-off in turnout between the first round and the second.
- Shares many of the disadvantages of a First Past the Post system, without its countervailing simplicity.

Proportional Representation Systems

List Proportional Representation

Each party presents a list of candidates to the electorate, voters vote for a party, and parties receive seats in proportion to their overall share of the national vote. Winning candidates are taken in the order of their position on the lists.

Advantages

- List Proportional Representation systems help minority parties' access to representation. Iraqi society is made up of numerous factions and the inclusion of all significant groups in the National Assembly is an essential condition for democratic consolidation.
- Almost all votes cast within List Proportional Representation elections go towards electing a candidate of choice. This increases the voters' perception that it is worth making the trip to the polling booth, as they can be more confident that their vote will make a difference to electoral outcomes.
- Does not require any district boundary delineations.
- There is an incentive for political parties to appeal to voters who are not naturally their supporters to maximize the national vote.
- Such a system prevents regions being defined ethnically, which can be an obstacle to national unity.
- Proportional Representation systems make it more likely that women are elected.

Disadvantages

- Weakening of the link between voters and their representatives. Voters have no ability to determine the identity of the persons who will represent them, and no identifiable representative for their town, district, or village.
- PR systems have a tendency to produce coalition governments which can then allow tiny minority parties to hold larger parties to ransom in negotiations and produce legislative gridlock.
- PR systems are often criticized for giving a parliamentary stage to extremist parties, although this is less valid in Iraq where extremist groups tend to be geographically concentrated.
- Such a system requires a well developed political party system – something which Iraq lacks.

Provincial List Proportional Representation

A List PR system can be applied on a provincial scale in Iraq. Each province would be allocated a number of parliamentary seats in proportion to its population size. The advantages and disadvantages, as compared to a national List PR, are:

Advantages

- Improve geographic representation.
- Make it more likely that independents are voted in.
- Does not require as well a developed party system.
- The boundaries for Iraq's provinces already exist and therefore new boundaries do not need to be drawn.

Disadvantages

- Will reduce the degree of proportional representation since the districts are smaller and therefore the mathematical threshold will be larger.

Single Transferable Vote

In the Single Transferable Vote system there are multi-member districts, ranging from two to a maximum of nine, and voters rank candidates in order of preference on the ballot paper. Voters are not required to rank-order all candidates; if they wish they can mark only one.

The first stage of the count begins by establishing the minimum number of votes required for the election of a candidate – a quota. Any candidate who attains the quota is automatically elected. The equation for calculating the quota is:

$$\text{Quota} = (\text{votes} + 1) / (\text{seats} + 1).$$

The formula ensures that the number of candidates obtaining the quota never exceeds the number of seats available. If no-one has achieved the quota or there are still seats to be filled after the initial count of first preferences, the candidate with the lowest number of first preferences is eliminated, with his or her second preferences being redistributed to the candidates left in the race. At the same time, the surplus votes of elected candidates (i.e., those votes above the quota) are redistributed according to the second preferences on the ballot papers, but each at a fractional percentage of one vote, so that the total redistributed vote equals the candidate's surplus. For example, if a candidate had 100 votes, for example, and their surplus was ten votes, then each ballot paper would be redistributed at the value of 1/10th of a vote. This process continues until all seats for the constituency are filled.

Advantages

- A high degree of proportionality.
- Retains a geographic link between voter and representative.

- Provides a better chance for the election of popular independent candidates than a national List PR, because voters are choosing between candidates.

Disadvantages

- A complex system whose details would be difficult to explain to the public.
- Preference voting is unfamiliar in Iraq and would complicate the process for the voter.
- Fragment political parties internally since members of the same party would be competing against each other, as well as the opposition, for votes.
- Requires district boundaries to be defined.

Mixed Member Proportional

A proportion of the parliament is elected by plurality-majority methods, usually from single-member districts, while the remainder is constituted by PR lists to compensate for any disproportionality produced by the district seat result. For example, if one party wins ten percent of the national votes for its candidates but no district seats, then they would be awarded enough seats from the PR lists to bring their representation up to approximately ten percent of the parliament.

Advantages

- Retains the proportionality benefits of Proportional Representation systems.
- Ensures that voters have geographical representation.

Disadvantages

- Creates two classes of MPs.

- The reallocation inherent in this system can be confused as vote rigging in a country such as Iraq which is unfamiliar with any electoral system, especially such a complex one.
- Requires district boundaries to be defined in Iraq and this will no doubt be a sticking point in the political process.

Semi-Proportional Systems

Single Non-Transferable Vote

Each elector has one vote, but there are multiple seats in each district to be filled. Candidates with the highest percentage of votes fill these positions.

Advantages

- Simple for the voter and produces results which are easy to explain.
- Retains a moderately high degree of proportionality and geographic representation.
- Encourages parties to become highly organized, since they will need to instruct their voters to allocate their votes to candidates in a way which maximizes the number of seats they win.

Disadvantages

- Candidates with a very small percentage of votes can win seats, especially in regions where one candidate sweeps a majority of votes.
- Requires district boundaries to be defined, although to a lesser degree than in single-member district system.
- Fragment political parties internally since members of the same party would be competing against each other, as well as the opposition, for votes.

Parallel System

A proportion of parliamentary seats are elected by single-member districts while the other is elected by List Proportional Representation. Therefore, voters cast two votes, one for a local MP and the other for a party.

Advantages

- Gives the voter both a district choice and a party choice.
- Small minority parties who have been unsuccessful in the plurality-majority elections can still be rewarded for their votes by winning seats in the proportional allocation.

Disadvantages

- The system is relatively complex since it requires voters to make more than one choice, which can lead to confusion.
- Creates two classes of MPs: one group who are beholden to their local electorate and another without formal constituency ties who are primarily beholden to their party leaders.
- Requires district boundaries to be defined in Iraq and this will no doubt be a sticking point in the political process.

About the Iraqi Prospect Organization

The Iraqi Prospect Organization (IPO), a not-for-profit and non-partisan group, was established in January 2002 by a group of Iraqi exiles in London. Following the fall of Saddam's regime, the IPO expanded to Iraq, where its headquarters now resides. The IPO aims to promote the establishment of a proportional democracy, increase understanding amongst young Iraqi men and women about democratic values and civil society, and increase the participation of young Iraqi men and women in the political process.

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