

Special Group Representation in Parliament

Elections Innovations Conference

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Parliamentary representation is only one of several ways to ensure representation of selected groups such as national minorities and out-of-country voters, in state affairs.

Minority representation

- **An overview from Vollan and Butenschon of countries which apply quotas (to the election of parliaments).**
- **Three (four) broad methods.**

Broad methods of representation

- Earmarked seats
- Candidate nomination requirements
- Result requirements
- *Appointments*

Earmarked seats

- Contested only by candidates of one group.
- Separate race only for that group or earmarked constituency.
- Voters can be the general electorate or a separate electorate for that group.
- If a separate electorate, a separate voter register is required.
- May allow the group to be represented both in a general race and in a race for earmarked seats. Equality of the vote is the biggest problem in this case, or in some cases the intention.

Candidate nominations

- Parties nominate a certain number of candidates across the country (plurality/majority systems) or certain numbers (or percentages) of candidates on the candidate lists (list PR systems). The placement may also be required.
- Commonly used to elect women.
- Closed lists = the representation is guaranteed.
- Open lists = representation is not guaranteed.

Results requirements

- The outcome of the election is adjusted after the election in order to meet certain pre-defined requirements for group representation.
- If there is no need for adjustment after the election, earmarked seat method.
- A group candidate of one party may replace a group candidate of another party.

Broad Groups of Methods	Examples
Earmarked seats (separate race)	Croatia, New Zealand (separate register), Columbia, India, Lebanon, Singapore, Kosovo (minorities), The Palestinian Territory (w/o separate register)
Candidate nomination requirements	Kosovo, Bolivia, BiH, The Palestinian Territory, Nepal (all women)
Results requirements (best runner up)	The Palestinian territory, Nepal, Jordan (women)

Innovative details or tradeoffs?

- The existence of persistent decisions or tradeoffs that need to be considered.
- Equality of the vote. Minority quotas often have the effect of privileging one group – in a sense, that is the point. This effect can be amplified by allowing minority voters multiple votes – in the main and minority elections.
- Minority identification. If the objective is for group X to be represented not required, if to elect its own representatives, it is required.

	Earmarked seats	Candidate requirements	Results requirements
Efficiency in representation: -parliament -party wise	The representation will be as intended, may be in addition to representation coming out of the regular race. Party-wise less affected if system of representation same for all seats.	Efficient with a requirement for placement on the lists/closed lists. Can also be efficient with open lists. No party-wise effect.	Efficient but in some combinations political distribution may be negatively affected. A minority candidate of one party may replace a non-minority candidate of another party if the requirement not met automatically.
Equality of the vote	Inequality may be strong in some cases, but this may be intended (for vulnerable groups).	All voters are treated the same way.	All voters are treated the same way.
Limitations to the right of vote	Normally not.	Normally not.	Normally not.
Limitations to the right to stand for elections	In earmarked constituencies where candidacy is restricted (but this is normally done only locally) and electorate a general one.	Some candidates a lower chance of being nominated, but this is intended.	Some candidates may be by-passed when filling the seats.
Long-term effects	Inequalities are underlined since earmarked seats are separated out.	Integrated into the general system of representation, so less.	Integrated into the general system of representation, so less.

Policy questions

- Is the society deeply divided among ethnic or other lines or is power sharing an element of the political tradition. Is there an immediate danger of conflict and are quotas used as an element in securing peace.
- What is the level of mutual trust and polarization between the groups?
- What is the number of contending parties and the balance of power between them?
- What is the geographic distribution of minorities?
- The general level of economic and political development in society.
- Compare Croatia v. New Zealand. Similar minority representation systems, different perceptions of success.

Representation of voters abroad

- Many countries around the world have large or influential diasporas that want to be included in the electoral processes and represented in national parliaments.
- Other countries are compelled to provide such representation as a result of the conflict.
- Most countries have considered or used a form of Out-of-Country Voting (OCV).
- Trend toward the enfranchisement esp. in post-conflict situations.

Region	Country
Africa (28)	Algeria, Angola, Benin, Botswana, Cape Verde, CAR, Chad, Cote d'Ivoire, Djibouti, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Lesotho, Mali, Mauritius, Mozambique, Namibia, Niger, Rwanda, Sao Tome and Principe, Senegal, SA, Sudan, Togo, Tunisia, Zimbabwe.
Americas (16)	Argentina, Bolivia, Brazil, Canada, Colombia, Dominican Republic, Ecuador, Falklands, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Venezuela.
Asia (20)	Afghanistan, Bangladesh, India, Indonesia, Iran, Iraq, Israel, Japan, Kazakhstan, Kyrgyzstan, Laos, Malaysia, Oman, Philippines, Singapore, Syria, Tajikistan, Thailand, Uzbekistan, Yemen.
Europe (41)	Austria, Azerbaijan, Belarus, Belgium, BiH, Bulgaria, Croatia, Czech R., Denmark, Estonia, Finland, France, Georgia, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Latvia, Liechtenstein, Lithuania, Luxembourg, Isle of Man, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom.
Pacific (10)	Australia, Cook Islands, Fiji, Marshall Islands, Micronesia, Nauru, New Zealand, Palau, Pitcairn Islands, Vanuatu.

Representation in parliament

- In addition to the franchise, eleven countries also allow for representation of the OCV electorate in the national legislature, in effect, OCV seats: Algeria, Angola, Cape Verde, Colombia, Croatia, Ecuador, France, Italy, Mozambique, Panama, Portugal.
- The no. of OCV seats set aside range from one to 12 and, as percentage of total seats, the range is from 0.6 percent to 8.3 percent.
- Croatia reformed its 12 OCV seats to current 3.

What types of elections?

- There are three policy questions which must be addressed in formulating an OCV process.
- In what types of elections does OCV apply?
Longtime citizens abroad may have the right to cast ballots in national elections, but if required to provide a permanent address within the country, may be ineligible to cast ballots in sub-national elections.

Type of Election	Number of Countries
Legislative elections only	31
Presidential elections only	14
Legislative and presidential elections	20
Legislative and presidential elections and referenda	11
Legislative, presidential, and sub-national elections and referenda	6
Legislative elections and referenda	7
Presidential election and referenda	7
Other combinations	19
Referenda only	0
Total	115

Who is eligible to vote?

- **OCV may be open to all citizens abroad regardless of status or length of absence. Or, certain restrictions can be placed on participation, such as voting by diplomatic and military personnel only; voting for those only on short-term absences; and voting directed toward forcibly displaced electorates, such as refugees and asylum seekers.**

Challenges

- Potential policy implications.
- Large or concentrated diaspora can have a significant impact on the electoral result.
- Enfranchising the diaspora can be favorable for only one political party, candidate or a faction.
- OCV can become a polarizing political issue. Croatia is an interesting example with eligibility criteria geared toward inclusion but also suffering from the diaspora concentrated in one country with a tendency to vote for one party.

No	Constituency Name	Registered	Turnout (%)	Seats by Party	Total Seats
1	Zagreb	358,461	254,138 (70.90%)	SDP 6, HDZ 5, HNS 2 , HSP 1	14
2	Bjelovar	388,713	261,633 (67.31%)	HDZ 6, SDP 4, HSS 2, HSP 1, HSLs 1	14
3	Varaždin	365,042	247,749 (67.87%)	HDZ 4, SDP 4, HNS 2, HSS 1, HSU 1, HSLs 1, HDSS 1	14
4	Osijek	328,076	214,859 (65.49%)	HDZ 7, SDP 3, HSP 1, HSS 1, HNS 1, HSU 1	14
5	Slavonski Brod	360,242	220,421 (61.19%)	HDZ 8, SDP 3, HSS 1, HSP 1, HSLs 1	14
6	Sisak	343,857	234,614 (68.23%)	HDZ 6, SDP 5, HSP 1, HNS 1, HSS 1	14
7	Karlovac	382,084	263,437 (68.95%)	HDZ 7, SDP 4, HSP 1, HNS, 1, HSS 1	14
8	Pazin	374,678	239,851 (64.02%)	SDP 8, HDZ 3, HNS 2, HSU 1	14
9	Zadar	388,450	255,218 (65.0%)	HDZ 9, SDP 2, HSP 1, HNS 1, HSS 1	14
10	Split	401,333	274,561 (64.81%)	HDZ 7, SDP 4, HSP 1, HNS 1, HSS 1	14
11	Diaspora	396,617	70,527 (17.78%)	HDZ 4	4
12	Minorities	286,861	(67,881)	3 SDSS, 1 independent, 1 DZMH, 1 HSS, 1 NNZ, 1 SDA Croatia	8

Parliamentary elections:	Diaspora seats /total seats:	Winner of diaspora vote/overall election:
1992*	124	HDZ/HDZ
1995*	12/150	HDZ/HDZ
2000	6 /151	HDZ/Koalicija SDP-HSLS
2003	4 /152	HDZ/HDZ
2007	5/153	HDZ/HDZ
2011*	3/151	HDZ/Kukuriku koalicija

What modalities for casting a ballot?

- **In-person** modalities require the voter to be physically present at a PS to cast a ballot.
- In **postal voting**, the ballots are cast and mailed back to the electoral authorities.
- In **proxy voting**, the voter who is abroad can designate someone within the country to cast a ballot on their behalf.
- In **Internet voting**, ballots are cast via a web site established by the electoral authority.
- *Return voting* usually in combination.

Modalities - continued

- **Three countries, Australia, New Zealand, and the United States (certain jurisdictions), permit casting ballots via facsimile machine in some cases. The most common modality is in-person voting, although there are also mixed systems employing multiple modalities. The most common locations for voting are embassies and consulates of the home country which may impose travel obstacles for otherwise eligible voters.**

Voting Modality	Number of Countries
In-person voting only	54
Return	1
Postal voting only	25
Proxy voting only	4
Mixed modalities	27
Not available	4
Total	115

Innovations in OCV

- Mostly relate to voting technologies, esp. registration phase, more easily accessible to OCV voters generally dispersed across larger territories (e.g. one trip to embassies).
- Technology improvements in the speed and security of transmitting the results also conducive to OCV.
- Trend towards OCV (continuation after transition) Countries have been unable to undo OCV after introduced it (diff. context, one-off).