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Options for Electoral Reform in Kosovo



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1. ELECTORAL REFORM

In the plenary session of the 22nd of April 2011, with 76 votes for, 6 against and 4 abstentions, the Kosovo Assembly established the Ad-Hoc Commission for Amending the Law on General Elections in the Republic of Kosovo, the period of action for which was to have been 8-12 months¹. The task of the Commission was the revision and amendment of the Law on General Elections in the Republic of Kosovo, which would create preconditions for an electoral system that would ensure democratic voting and elections. The Commission's work for the Amendment of the Law on General Elections and of the Working Group for Electoral Reform started in 2011 and is still continuing.

The members of the Working Group were not only the representatives of political parties which are represented in the Commission for electoral reform, but also authorities that are directly involved in the elections like the Central Election Commissions (CEC) and the Election Complaint and Appeal Panel (ECAP), members of civil society with experience in elections and international organisations specialised for these issues. The work of the Working Group for Elections was monitored by civil servants of the Kosovo Assembly, other local and international non-governmental organisations and other entities interested in the electoral reform process. This composition has enabled the discussions in the Working Group not to reflect only the beliefs of political parties but also those of other stakeholders involved in the electoral system.

The Working Group for elections with such a wide composition has discussed all the legal provisions and items which were open to change and are within the mandate of the Commission for the Amendment of the Law on General Elections. Before the discussion and approval in the Commission, at the Working Group level the recommendations of all the members and the advice of international organisations have been taken into consideration, starting from technical issues and up to those on the electoral system that are related to the lists of candidates and electoral zones. The recommendations that emerged from the Working Group have been further voted on by the Commission as a political body.

During the work of the Working Group for Electoral Reform full consensus was reached between the members in relation to technical matters which caused problems in the last elections for the Kosovo Assembly, starting from the list of voters, financing and campaigns of political parties and up to election monitors of the Central Election Commission. These changes will improve the environment on Election Day and the technical errors can be eliminated.

The electoral reform does not aim to ensure the democratisation of parties or to change the political system by weakening a certain party and empowering another, and neither to put an end to the election abuses. This reform aims **to ensure a democratic electoral system in which the citizens of Kosovo elect their representatives as deputies of the Kosovo Assembly and to ensure a system that will put an end to the irregularities and technical errors which occurred as a result of uncertainties in the Law on General Elections.** The electoral reform also aims to make the election system easier for the citizens in order to reduce the number of invalid votes and thus improve the legitimacy of elections.

¹ Minutes of the Plenary Meeting of the Assembly of the Republic of Kosovo, held on the 22nd of April 2011

The number of invalid votes has had a considerable decline from one set of elections to the other, however the application of a simpler system of voting will attempt to eliminate the number of invalid ballots completely, in order not to lose any votes and thus improve the trust of the citizens in the electoral system. The electoral system is not responsible for the internal regulation and democracy of political entities and therefore it cannot ensure that such a thing will be achieved. On the other side, not even the change in the electoral system will prevent the electoral irregularities seen in the elections of 2010 or in the previous ones in Kosovo. The prevention of abuses during elections can be achieved only through the application of the Law on General Elections and the Criminal Code of Kosovo. Currently there are 1,300 persons being tried for abuses in the elections of 2010. Changes and amendments to the Law on General Elections which may result in the changing of the electoral system aims to eliminate irregularities and technical errors, issues on which the Working Group on Electoral Reform has already voted on.

Based on the Constitution of Kosovo, the Assembly of the Republic of Kosovo has one hundred and twenty (120) deputies who are elected by the citizens through secret ballots and open lists². Out of these 120 deputies, up until the elections of 2010, 20 seats were reserved for minority community parties (10 for the Serb community and 10 for other communities), while starting from the next elections, the 20 seats of the minority community parties will be guaranteed.³ “The seats in the Assembly are distributed amongst all parties, coalitions, citizens’ initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly”⁴. According to provisions of the Law No. 03/L-073 on General Election in the Republic of Kosovo, Kosovo holds elections every 4 years, in which citizens’ vote for 5 candidates in a single electoral zone and the election threshold for parties is 5%, excluding the minority community parties for which the threshold is 1%⁵. In the next elections there will be no threshold for minority community parties, as the seats for these parties will be guaranteed, and if a political entity which represents a minority exceeds the guaranteed number of seats, then, it will win more seats. Based on the number of voters and the number of votes that parties who represent minorities in Kosovo have won in the past, there is no possibility for them to win more seats than those guaranteed by the Constitution. As an example, the voters of the Serb community in Kosovo in the elections of 2010 were around 70,000 in numbers, while the total number of those who voted in the elections of 2010 was 706,317, which means that even if the election turnout by the Serb community is 100%, still the Serbian political entities will not be able to get more than 10 seats that are already guaranteed. However, there cannot be prejudice on this for the future.

During the debate on the Electoral Reform there was consensus for the preservation of the gender quota of 30% and not to change the number of 120 deputies. Issues which remained open are the method of election of the 100 deputies in a direct manner. This includes the decisions on the list of candidates, form of voting, electoral zones and whether the distribution of seats in these zones should be in the majority form or a mixed one. So far, not only that there

² Constitution of the Republic of Kosovo, Article 64 [Structure of the Assembly]

³ Comprehensive Proposal for the Resolution of the Kosovo Status of President Martti Ahtisaari; Annex 1 on the Constitutional Provisions, Article 3 on the Kosovo Assembly

⁴ Constitution of the Republic of Kosovo, Article 64 [Structure of the Assembly]

⁵ Law No. 03/L-073, Law on General Election in Kosovo

was no consensus on these matters between the members of the Working Group on Electoral Reform, but the division (or non division) of Kosovo into electoral zones and opening (or closing) of the lists of candidates still continue to be debated. These issues are at the same time important to create the basis for the complete change of the electoral system. The lack of decision making in some political parties related to electoral zones and the lists is based more on their political interests rather than on the principle of improving the electoral system in Kosovo, this as a result of the fact that these two changes are crucial to political calculations.

Issues which have been debated both in the Commission and also in the Working Group, for which there is no consensus, are:

- The system (proportional or majority);
- Zones (should Kosovo be divided into electoral zones, or to remain as one electoral zone as it was so far);
- Lists (open or closed).

If the lists remain open the issue of votes has to be debated:

- The vote (the possibility for the citizen to vote only for one or for more candidates as it now stands in the law).

In parallel to the establishment of the Commission for the Amendment of the Law on General Elections, the Kosovo Assembly established the Commission for the Amendment of the Constitution which is responsible for amendment of the constitutional provisions for the election of the President of the Republic of Kosovo in Chapter V. In the mandate of the Commission for the Amendment of the Constitution it is foreseen that in the event of the need to change the provisions on the electoral system related to the electoral zones and the lists of candidates required by the Commission of the Amendment of the Law on General Elections, these have to be made before the conclusion of the mandate of the Commission for the Amendment of the Constitution. The recommendations of the Commission for the Amendment of the Constitution have already been sent and they do not include changes in the number of electoral zones or candidate lists. Having in mind that the Commission for the Amendment of the Law on General Elections has not sent any recommendations for these two provisions, as the decisions have not yet been taken by the political parties, and the mandate of the Commission for the Amendment of the Constitution has concluded, the changes to the number of zones and lists of candidates are made legally impossible.

2. DIVISION OF KOSOVO INTO ELECTORAL ZONES

The debate on the division of Kosovo into more zones is based mainly on the argument of representation and accountability by alluding that more electoral zones will ensure more appropriate representation and accountability. While in principle these claims appear correct, during research work deficiencies have been identified in the division of Kosovo into electoral zones, deficiencies which represent a regression for the democracy of the electoral system in Kosovo. In order for voting in the zones to be implemented, it is initially necessary to divide the voter lists based on the electoral zones, which would include the division of minority lists also. In order to conduct this systematising of lists it would be required from the voters to declare their ethnic origin, which is in direct contradiction with general international principles and with the directives on minorities of the High Commissioner for National Minorities of the OSCE.⁶

In the following the positive and negative aspects of dividing Kosovo into electoral zones will be presented, starting from the option with 100 to that with 6 zones.

I. 100 Electoral Zones (100+10+10)

One of the proposals of the political entities in Kosovo is that Kosovo is divided into 100 electoral zones, where in a direct manner 100 deputies for the Kosovo Assembly would be elected. With this proposal we would have a majority system in Kosovo where each zone will elect its member, while the minorities would be represented with the guaranteed seats.

Such a system, has the strongest argument of strengthening the accountability and direct representation, however, this method of electing deputies brings about many problems. The advantages and deficiencies of such a majority system are as follows:

Advantages:

- Citizens will know who will be their deputy and will have the opportunity to elect within their electoral zones the best candidate;
- Independent candidates will have greater chances of being elected;
- The link between the citizen (voter) and the deputy will be strengthened by ensuring direct representation and accountability.

Deficiencies:

- The weight of the vote cast by voters will differ from one zone to the other, which makes this system less democratic;
- The possibility increases for a political entity at country level to get over 30% of the votes, but not to be represented in Assembly. Based on the above stated argument, we can conclude that the composition of the Kosovo Assembly will not represent the real political forces at the national level. Therefore, an electoral system in which Kosovo is

⁶ Interview of INDEP with the office of the High Commissioner for National Minorities of the OSCE, Brussels, 2011

divided into 100 zones, will not guarantee representation at the national level but rather the zone one;

- Even though the Commission for the Amendment of the Law on General Elections has achieved consensus on the gender quota of 30% not to be changed, a system in which each zone elects its deputy does not guarantee the fulfilment of this quota;
- Having in mind that in one zone only one deputy is elected, voters that are part of national minorities will not be voting in zones where they are not in a majority, being aware that their candidate would not be able to win. This would cause problems in the distribution of seats guaranteed for minorities;
- Based on the above stated argument, the same is applicable for Albanian voters in the zones where they are in a minority. These voters will not vote for their candidates due to the fact that the possibility for their election is minimal. Such a system serves as an encouragement for non-participation in elections for a considerable number of voters;
- There is no electoral threshold;
- There will be problems caused during the division of zones. Each zone will have an equal or at least approximate number of voters in order to guarantee an equal weight of the vote for all the voters. In this way it would be necessary for some local areas and small municipalities to be merged between each other in order to give the appropriate number of voters. This would result in the changing of the zones prior to all the general elections from the moment such a system starts to be implemented (the number of voters for a community changes as a result of the birth-rate/mortality, migration of population, etc);
- Based on the above stated argument, it should be mentioned that the division of Kosovo into 100 zones opens the opportunity for political manipulations related to the establishment of electoral zones. Political parties will use the previous election results or those of their political force in a specific region in order to establish the electoral zones in order to minimize the effects of the votes against their political entity and to increase the importance of votes in their favour;
- In some zones there could be a second round of elections – as in the municipal elections – and this would result in a higher cost for running the elections.

II. 37 zones (100+10+10)

Another proposal for the division of Kosovo was the division into 37 electoral zones based on the current number of municipalities. Such a proposal has left the debate open on whether 100 deputies would be directly elected from 37 zones, or the system will be a combination of 70 deputies to be elected in the zones, while the other 30 to win a mandate at the national level, in order to guarantee a more appropriate representation at the national level and to preserve the gender quota. This system ensures to a certain extent representation and accountability, and in the event of the division of mandates by zones and at national level, then this system will tentatively guarantee the gender quota and will not discriminate the parties on a regional basis.

Advantages:

- Citizens will know who is their deputy by voting for the best candidate in their electoral zone;
- The possibility for election of independent candidates increases;
- Accountability and direct representation is ensured through voting in the zones;
- With the possibility of 30 deputies being elected based on the votes at the national level, the preservation of the gender quota is ensured.

Deficiencies:

- The division of Kosovo into zones based on municipalities will result in the weight of the vote by voters in the bigger municipalities to be smaller than the weight of the vote by voters in municipalities with less voters;
- The division of Kosovo into zones based on a municipal division will result in the election of local leaders as deputies of the Kosovo Assembly. In this way the importance of elections for the municipal assembly and the Mayor of the Municipality is reduced;
- Political entities can win a considerable number of votes at the national level, however with such a system they will not have assured representation in the Assembly. This occurs because in some municipalities there is a majority system, where based on the number of voters only one deputy will be elected;
- In addition to the majority system which will exist in some municipalities, such a division based on the administrative division of the municipalities and not on the number of voters, leads us to believe that some municipalities even though having a smaller number of voters than the number needed to win a mandate, will be able to elect a deputy;
- The real political force at the national level will not be represented in the Assembly, based on the above stated argument (even though in this case this system would be based in the distribution of mandates at the zone level (municipal) at the national level such a thing would not occur).

III. More than 20 Zones in a mixed system (70 +30+10+10)

Some organisations of civil society propose for Kosovo to be divided into more than 20 zones where in a direct manner 70 deputies would be elected, while 30 would be elected based on proportionality, where amongst these 30 deputies the gender quota would be preserved, and the votes of citizens voting in a particular zone would not be lost in which the deputy elected is from another entity.

Advantages:

- Citizens, with this system also, will have closer links with the elected deputies and it can be argued that accountability and representation would increase;

- Independent candidates will have bigger chances to win a mandate, taking into consideration that they will be candidates in one of the zones where they could compete for one and up to three mandates;
- With the possibility for 30 deputies to be elected based on votes at national level, the preservation of the gender quota is ensured and the holding of the balance of the mandates won by political forces at national level.

Deficiencies:

- As in all cases of zone division, also the division of Kosovo into more than 20 zones results in the lack of balance between the votes of voters from one zone to the other;
- Like in the case of division according to municipalities, the division of Kosovo into 20 or more zones results in the strengthening of local leaders in the general elections, something which reduces the importance of these leaders in the local elections, both for those related to the Municipal Assembly and those for the Mayor of the Municipality;
- The race for a mandate will not be equal in all the zones. In zones where we will have a majority system (1 mandate per zone) the race will be more difficult than in the zones which produce 3 mandates;
- Even in this system, the voting of national minorities is discouraged in the zones. In those zones where only one deputy is elected there will be no turnout in the elections of the national minorities (either Albanian or non-Albanian). In the event where this is the case for non-Albanian national minorities, the other damage that will be caused is the difficulty in distribution of guaranteed mandates for these minorities as a result of the lack of voting on their part.

IV. Seven Electoral Zones

A long standing proposal in Kosovo is the division into seven Electoral Zones, which would be: Prishtina, Prizren, Peja, Gjakova, Mitrovica, Ferizaj, and Gjilan. The municipalities that would be included in each of the seven zones are represented in the following chart.

Prishtinë	Ferizaj	Mitrovicë	Prizren	Gjilan	Pejë	Gjakovë
Glogovc	Kaçanik	Mitrovicë	Dragash	Gjilan	Pejë	Gjakovë
Fushë Kosovë	Shtime	Leposaviç	Prizren	Kamenicë	Istog	Deçan
Lipjan	Štrpce	Skenderaj	Suharekë	Novobërdë	Klinë	Junik
Obiliq	Ferizaj	Zubin Potok	Mamushe	Viti		
Podujevë	Hani i Elezit	Zveçan	Malishevë	Ranillug		
Prishtinë		Vushtrri	Rahovec	Partesh		
Graçanicë				Klllokot		

a) Majority system (100+10+10)

In the following we can see how many deputies would come out of each zone, if 100 deputies of the Kosovo Assembly would be elected from the 7 zones:

Seven zones - 100 deputies				
Zone	Number of voters per zone (a)	Number of deputies per zone (c) [(a/b)*100]	Number of voters per deputies (d) [a/c]	Total number of voters in Kosovo (b)
Prishtina	400,146	24	16,672	1,630,636
Ferizaj	165,044	10	16,504	
Mitrovicë	232,222	14	16,587	
Prizren	286,055	18	15,891	
Gjilan	184,994	11	16,817	
Peja	173,204	11	15,745	
Gjakova	188,971	12	15,747	

In the case of seven zones from which 100 deputies come from, the difference between deputies from the Prishtina zone and that of Ferizaj is closely the same, however the number of deputies from other zones is more approximate. However, the difference between the votes necessary to win a mandate between Gjilan and Prizren, Peja and Gjakova increase to over 6% of the total number of votes needed for a mandate. This difference increases even more between the zones when we take into consideration that around 5% of voters in the Prizren zone, and more than 15% of voters in the Mitrovica zone are deputies of communities and it is assumed that they will be voting for deputies that will be getting the 20 guaranteed seats for them in the parliament. Therefore, 1 deputy in the Prizren zone and 2 in the Mitrovica zone will be directly transferred to the biggest parties in these zones. In this manner the candidates of these zones will win the status of deputies with a lot less votes than deputies in other zones.

In addition to the lack of equality in the weight of the vote of voters from one zone to the other, such a division will increase the risk that a party, even though winning a necessary number of votes to get a mandate at the national level, due to the fact that it has not achieved this in each zone individually the party will remain outside of the parliament. This makes this system non equitable for parties in the election race.

The division of Kosovo in electoral zones and voting for 100 deputies in the zones will risk the preservation of the gender quota, even though it as such is not changed by the Commission for the Amendment of the Law on General Elections. In the event that in 3 or more electoral zones only a male candidate of a particular party wins a mandate, then the gender quota will not be preserved, taking into consideration that that party will have 4 male deputies, and will not fulfil the gender quota of 30%.

b) The mixed system (70+30+10+10)

In order to preserve the proportionality and not to lose the votes of entities that do not reach the natural threshold in the zones, the option is proposed for 70 deputies to be elected in the zones and 30 in a proportional manner. In the following we will see how many deputies will come out of each zone if 70 deputies of the Kosovo Assembly would be elected in the 7 zones, while the other 30 at the national level.

Seven zones - 70 deputies				
Zone	Number of voters per zone (a)	Number of deputies per zone (c) [(a/b) * 70]	Number of voters per deputies (d) [a/c]	Total number of voters in Kosovo (b)
Prishtina	400,146	17	23,538	1,630,636
Ferizaj	165,044	7	23,578	
Mitrovicë	232,222	10	23,222	
Prizren	286,055	12	23,838	
Gjilan	184,994	8	23,124	
Peja	173,204	8	21,651	
Gjakova	188,971	8	23,621	

The division of Kosovo into seven zones from which 70 deputies would win a mandate, even though it approximates further the number of deputies that come out of each zone, it increases further the number of votes necessary to win a mandate in the Kosovo Assembly. The difference between Prizren and Peja is 2,187 votes which is 10% of the total votes necessary to become a deputy in a zone. The difference in the number of votes increases further when we take into consideration the number of national minorities in the zones of Prizren and Mitrovica, in comparison to zones like Peja and Gjakova. The weight of the vote of voters continues to be different from one zone to the other, and this is unacceptable in a democratic system.

While in a system where 30 deputies of the Kosovo Assembly win mandates from votes won at the national level attempt to arrange the preservation of the gender quota and equality in the election race, in practice it will serve to maintain a structure of the Assembly which is similar to what we have now, when voting is made in an electoral zone. This will be as the result of those 30 deputies that will win a mandate at the national level, who based on the lists of candidates put forward by political parties so far will be mostly registered in and residents of Prishtina Municipality and this would result in close to 50 deputies from the Municipality of Prishtina, which is close to the current structure, where 56 deputies are from the Prishtina region, and 41 are from Prishtina Municipality.

c) Advantages and deficiencies of dividing Kosovo into 7 zones

Advantages:

- It can be argued that such a system also plays a role in bring the citizen/voter closer to the deputies, but not to the extent as with many more zones;
- Independent candidates, even with this system will have greater possibility to win a mandate, even though the chances with a 7 zone division are much smaller;
- If the mixed system is applied in which 30 deputies are elected with votes at the national level, the preservation of the gender quota is ensured and the maintaining of the balance of mandates won by political forces at the national level.

Deficiencies:

- The main deficiency of the division into seven zones is the difference in the weight of the vote of voters from one zone to the other. In zones where there are national minorities like in Prizren and Mitrovica, the mandates are won with less votes than in the Peja zone where the number of minorities is smaller;
- In addition to this, such a system can also discourage the voters of minorities in the zones, considering the fact that their vote go towards the guaranteed seats;
- There is no electoral threshold.

V. Six Electoral Zones

The division of Kosovo into six or seven zones differs in the division of the city of Gjakova as a separate zone in the case of the division into seven zones. The number of deputies that would come out of each zone in addition to being subject to the number of voters in that zone depends also on the system which will be applied for the distribution of seats.

The division of Kosovo into six zones is based on the division made by the Ministry of Internal Affairs in the case of vehicle registration. Based on this division there are proposals that Kosovo is also divided into 6 electoral zones. The division of Kosovo into 6 zones envisages it to be divided into the zones of Prishtina, Prizren, Peja, Mitrovica, Ferizaj and Gjilan. The municipalities that would be included in each of the six zones are seen in the following table.

Prishtinë	Ferizaj	Mitrovicë	Prizren	Gjilan	Pejë
Glogovc	Kaçanik	Mitrovicë	Dragash	Gjilan	Gjakovë
Fushë Kosovë	Shtime	Leposaviç	Prizren	Kamenicë	Pejë
Lipjan	Štrpce	Skenderaj	Suharekë	Novobërdë	Istog
Obiliq	Ferizaj	Zubin Potok	Mamushë	Viti	Klinë
Podujevë	Hani i Elezit	Zveçan	Malishevë	Ranillug	Deçan
Prishtinë		Vushtrri	Rahovec	Partesh	Junik
Gracanica				Klllokot	

a) The majority system (100+10+10)

In the following we can see how many deputies will come out of each zone if 100 deputies of the Kosovo Assembly are elected in 6 zones:

Six zones - 100 deputies				
Zone	Number of voters per zone (a)	Number of deputies per zone (c) [(a/b)*100]	Number of voters per deputies (d) [a/c]	Total number of voters in Kosovo (b)
Prishtina	400,146	25	16,005	1,630,636
Ferizaj	165,044	10	16,504	
Mitrovica	232,222	14	16,587	
Prizren	335,376	21	15,970	
Gjilan	184,994	11	16,817	
Peja	312,854	19	16,466	

In the event of applying a majority system with six electoral zones, as seen above, taking into consideration that the number of voters from one zone to another differs, deputies would compete for 25 seats in Prishtina, and for 10 in Ferizaj. The difference between the necessary votes to win a mandate between Gjilan and Prizren is 847 votes, which is above 5% of the total votes that a candidate needs to win in order to become a deputy.

b) The mixed system (70+30+10+10)

In order to correct the above stated problems of inequity in the race, in the event that a party wins enough votes at the national level but not at the zone one, and the loss of the gender quota, some argue in favour of a mixed system, where 70 deputies win a mandate in the zones while 30 at the national level. In the following table is presented which describes the distribution of mandates on the basis of zones in the event of a mixed system.

Six zones - 70 deputies				
Zone	Number of voters per zone (a)	Number of deputies per zone (c) [(a/b) * 70]	Number of voters per deputies (d) [a/c]	Total number of voters in Kosovo (b)
Prishtina	400,146	17	23,538	1,630,636
Ferizaj	165,044	7	23,578	
Mitrovicë	232,222	10	23,222	
Prizren	335,376	14	23,955	
Gjilan	184,994	8	23,124	
Peja	312,854	14	22,347	

In such a system, even though it could be argued that parties have the opportunity of winning mandates at the national level and that the gender quota will be preserved, it can be noticed that the difference in the number of required votes to win a mandate from one zone to the other is higher than in the previous system. The difference between the required votes in Prizren and Peja is 1,609 votes, and this is close to 7% of the total votes. On the other side with this system the number of deputies from one zone to the other is approximated even further.

c) Advantages and deficiencies of dividing Kosovo into 6 zones

Advantages:

- The idea to divide Kosovo into 6 electoral zones comes also as a result of the attempt to bring the candidates close to the citizens, however, INDEP questions this advantage;
- This system also provides more opportunities for independent candidates;
- With the application of a mixed system, the gender quota will be preserved and the balance of the political forces at the national level.

Deficiencies:

- The weight of the vote of voters differs from one zone to the other even if Kosovo is divided into 6 electoral zones, which makes such a division less democratic;
- Such a system, like the systems of division into zones in general, discourage the voters of minority communities to vote in the zones where they know they will not have an effect;
- There is no election threshold.

The Institute for Development Policies (INDEP) during the simulation of the distribution of seats in the Kosovo Assembly with Electoral Zones has noticed a discrepancy between the required numbers of votes to win a mandate in the Kosovo Assembly from one zone to the other. In the zones where there is a larger number of national minorities, like in Mitrovica, deputies win a mandate with less votes than the required votes to win a mandate as for example in the zone of Peja where the number of national minorities is smaller. The distribution of the number of deputies into each zone depends directly on the voters in those zones.

VI. One Electoral Zone

INDEP has taken into consideration all the suggestions up to date for the division into electoral zones and after a detail study it has reach the conclusion that the best solution for Kosovo is not to make a division into electoral zones. Kosovo should remain a single electoral zone, where voting is made with open lists for one candidate and where the electoral threshold is 1%.

Advantages:

- By voting in a single zone and for one candidate, representation and accountability is ensured; Citizens vote for their deputy as a representative and this causes this deputy to

be accountable to his/her voters. The increase of the scale of magnitude (number of representatives that have to be elected for a zone) increases the scale of proportionality and ensures a more equitable representation;

- The electoral system with a single zone preserves the balance of the votes of voters throughout Kosovo; The minimum required votes in order to win a mandate is the same in all the areas of Kosovo independent of the number of national minorities in that region;
- Taking into consideration that the above stated argument stands, it then becomes apparent that a single electoral zone would not have a negative effect on the motivation of citizens for voting. The vote of the citizen has equal importance in the election of a deputy and this serves as a larger incentive for voting;
- A single electoral zone guarantees also the preservation of the gender quota, which is very important knowing that this component of the electoral system has remained unchanged by the Commission on the Amendment of the Law on General Elections;
- The electoral threshold will remain the same for all of Kosovo;
- This system in addition to preserving the democracy of elections in Kosovo by ensuring that the weight of the vote of voters remains the same throughout Kosovo, also ensures the preservation of the rights of communities by giving importance to the race between minority community parties for winning the guaranteed seats in the Kosovo Assembly;
- The voting in a single zone for one candidate also ensures simpler voting for the citizen, and simpler counting also. This makes the system easier to manage, with a lower cost, and with less chances for manipulation during the ballot count;
- There is no room for empowering a political entity to the detriment of other entities and also ensures that the votes of citizens and their will at country level is represented in the Assembly;
- Taking into consideration that INDEP requests voting to be for one candidate with open lists and the electoral threshold to be natural (1%), then such a system provides equal opportunities for smaller political entities, regional initiatives and independent candidates. The electoral threshold of 1% ensures a higher degree of political plurality and more equal opportunities for representation of different socio-political groups.

Deficiencies:

- Amongst the public, by not changing the election system based on zones can create the feeling that a fair electoral system has not been ensured;
- Regional leaders are not empowered, but rather the importance of leaders at the national level remains. Hence, the importance of local elections is preserved both for the Municipal Assembly and for the Mayor of the Municipality.

Based on the above stated arguments it is apparent that the proposal of INDEP addresses all the problems that the electoral system has had so far and also ensures representation and accountability, balance of the vote, democratic voting and the preservation of the rights of communities through a single zone electoral system.

The division of Kosovo into electoral zones and the voting for 100 deputies in the zones would risk the preservation of the gender quota, even though it as such has not been touched by the Commission for the Amendment of the Law on General Elections. In the event of in 3 or more zones only one male candidate of a certain political party winning a mandate, then the gender quota will not be preserved, taking into consideration that that party will have 4 male deputies and will not fulfil the gender quota of 30%.

On the other side, the division into zones will empower the local leaders in the general elections by lowering the importance of the election of deputies in the Municipal Assembly and the Mayor of the Municipality. Adding to this the fact that in the past the candidates of political entities were candidates from the municipalities from which they originate and not from those where they are residents and where they also work, this brings us to understand that if candidates who win mandates in the elections zones only originate from that area and are not residents, then there will be no regional representation but only an exploitation of the origins of the candidates in order to secure votes in a certain region. According to the laws of the Republic of Kosovo, the candidates have the right to change their place of residence up to a month prior to election day, which makes it easy for persons that are residents in Prishtina to change their place of residence only temporarily during the time of elections.

It should be mentioned that the difference in the number of required votes for a mandate from one zone to the other is further increased if Kosovo is divided into more than 10 zones, irrespective of the fact if the mandates that are distributed from the zones are 100 or less. This happens because for the design of more zones the division will be greater in zones with larger municipalities and with more voters as well as smaller number of communities, and a mandate will require much more votes than in zones with smaller municipalities, with less voters, and larger numbers of communities.

On the other side, the representation of each region in the Kosovo Assembly is not necessary if we refer to the agenda of the Kosovo Assembly and the decision which are taken there. The Assembly takes decisions, adopts laws and strategies which have a state character and not a regional one. In the cases where a region is affected by the decision taken by the Assembly, the municipal assemblies and local initiatives can utilise the central authorities of their parties and their deputies in the Assembly to push forward their agenda.

Taking into consideration that Kosovo is divided into two administrative levels, the central and the local (municipal), for the formation of electoral zones and dividing Kosovo into regions a new law would be required which would provide for the administrative division of another level, the regional (zone) one. This would also have an effect on the structure of the Central Election Commission, making necessary the existence of the Election Zone Assembly as an additional unit in the structure of the Central Election Commission. These issues raised in addition to the costs that they would incur, would also require time to be prepared and implemented.

The division of Kosovo into electoral zones would also create a more complicated system of voting, which based on the findings from the previous elections, suggests that the complicated method of voting causes uncertainties amongst the voters, while the more complicated method of counting increases the number of irregularities.

3. RECOMMENDATIONS

Taking into consideration all the analysis of different models of dividing Kosovo into electoral zones, the Institute for Development Policies (INDEP) proposes that Kosovo remains a single electoral zone, as every other option would have more consequences rather than direct results in the improvement of the level of democracy.

In order for the independent candidates and parties or specific citizens' initiatives to have an equal position next to the large political forces, INDEP recommends that the electoral threshold be restored to the natural quota of 1%.

As for the lists of candidates and the issue of whether they should be open, where the citizens would be able to vote directly for the candidates in addition to the vote for the political entity, INDEP believes that this is a constitutional category which should not change. The Constitution of the Republic of Kosovo defines the Kosovo Assembly as body with 120 deputies who are elected through secret ballot based on open lists.⁷ The term open list, according to general definitions, is a list in which the voter has the right to decide for which candidate they will directly vote for.⁸

This system would ensure regional and local representation, and would preserve the weight of the vote of voters and the rights of the communities, and also would not allow the favouring of certain parties and regions.

Representation and accountability would be enabled – through the open lists, voting for one candidate and the natural threshold – the voters directly elect the candidate they vote for (one voter one vote), and in this manner ensure direct representation. On the other side with the removal of the threshold of 5%, regional and local initiatives, and smaller parties are encouraged to put forward candidates and enables them an equal race with the large parties for mandates in the parliament.

The weight of the vote of each voter remains the same – candidates that win mandates in the Assembly should have the minimum required votes which are similar to one another. This would be unbalanced in the event of applying zones, where the difference between the required votes to win a mandate in the zones where the number of minorities is larger, is considerably substantial compared to the votes required to win a mandate in zones where there is not a large number of minorities. In this way, proportionality would be preserved and the number of votes would be divided with the number of deputies. In order to win a seat in the Kosovo Assembly 1% of the votes are required.

Kosovo as a single electoral zone also protects the rights of communities because they vote according to their preferences at the national level, by not having the need to declare themselves as a minority community (in the event of virtual zones). A single electoral zone also ensures competition between minority community parties for the guaranteed seats in the Kosovo

⁷ Constitution of the Republic of Kosovo, Article 64, paragraph 1

⁸ Stina Larsrud and Rita Taphorn, IDEA Designing for Equality, International Institute for Democracy and Electoral Assistance, Stockholm, 2007

Assembly. This increases the democracy within the communities and also ensures their participation in the elections, which would not occur in the event of Kosovo being divided into electoral zones.

Voting and counting of votes will not be complicated. The simple ballot papers which will be voted on for a candidate in a single zone make not only the voting easier for the citizens but also the process of counting for the Central Election Commission. This also reduces the cost of organising the elections, reduces the number of irregularities and invalid votes, and in general ensures a voting system that is easier to manage.

Voting for one candidate, which was the case in the past in municipal elections, significantly reduces the number of complaints to the Complaints and Appeals Panel and also does not allow room for internal complaints within the parties in the public discourse.

