Bringing MPs closer to citizens
Analysis of the electoral reform proposals
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ANALYSIS OF THE ELECTORAL REFORM PROPOSALS

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Bringing MPs closer to citizens
Analysis of the electoral reform proposals
1. Introduction

The idea about the need for electoral reform has been permanently present in the political public of Serbia, however with different intensity. In the beginning it was focused on criticism against certain institutions, gradually obtaining the form of a comprehensive insight into the structural problems which the electoral system produces in political and party systems. Experts made a detailed catalogue of problems of the electoral system, from registration of voters, electoral procedures and techniques, through electoral campaigns, financing, to the manner of voting, distribution of seats and protection of voting right. The list of flaws is accompanied with a catalogue of different electoral mechanisms and comparative experiences available to electoral designers for problem resolution.

The recommendations in front of you are the product of years of research and practical experience of a group of authors from the Faculty of Political Sciences; however, the direct cause for this publication is the two-year research work within the project “Balkan Electoral Comparative Study – Impact of Personal Vote on Internal Party Democracy”. This project, funded by the Swiss RRRP program, was directed to research of consequences which electoral system leaves on intraparty relations, with a particular focus on the so-called preferential or personalized voting – the voters’ right to choose one or more candidates from the lists proposed by political parties. The idea behind such electoral system is that in this manner good characteristics of proportional representation are retained, however with additional strengthening of the link between voters and MPs, incentive to intraparty competition and democratization, forcing parties to nominate the best candidates at the elections. This system has in the recent years
been crystallized in public debates as the solution supported by a significant number of political actors; therefore we found it significant to attempt to offer a set of recommendations for the change of the electoral system which would be based on introduction of preferential voting, with a note that results of electoral reforms are often very complex, that they do not depend only on narrowly taken electoral rules and that measuring of the reforms’ effects demands time.

The recommendations in front of you are the result of work of a research team which, besides the Head of the research, Prof. Zoran Stojiljković, consisted of Professors Milan Jovanović and Slaviša Orlović, Assistant Professor Dušan Spasojević, Assistant Jelena Lončar and students of doctoral studies at the FPS Boban Stojanović and Vojislav Mihailović. In presenting the arguments we also rely on two important empirical sources: citizens’ attitudes obtained through a public opinion survey of March 2016 (field research (F2F), carried out in the period between March 15\(^{th}\) and 22\(^{nd}\); Sample framework: Population of Serbia (without Kosovo) 18+; Sample size: 1000 respondents; Sample type: Three-phase random representative stratified sample; Ipsos Strategic Marketing agency) and attitudes of MP candidates at the 2014 parliamentary elections examined through the questionnaire of the Comparative Candidate Study.
2. Problem description

During two and a half decades Serbia tested different electoral models. This fact itself speaks that the electoral system in our case is a dynamic institution: not only that the fundamental type of electoral system has been frequently changed – majority system, proportional representation, mixed system – but also the set of less notable elements with a strong manipulative effect on electoral design: size of constituency, formula for transforming the votes into mandates, height of electoral threshold, as well as other electoral institutions – practically all of them have been encompassed by the electoral law.

The last fifteen years saw the stabilization of the extreme model of proportional representation with single constituency for the election of MPs. Delegates in local self-government assemblies and MPs in the Assembly of Vojvodina have been elected under the same model since 2003 and 2014, respectively. Thus a harmonized electoral system was reached for representatives at all levels of power.

The present electoral system has been in use for the longest period of time. The consequences which it produces in functioning of political system, parliament and party system in particular have been researched in details and empirically verified (for more details, see the study „How to make intra-party democracy possible? Institutional factors and internal dynamics of intra-party relations“ or the list of recommended literature at the end of this publication). The key actors – voters, parties, candidates – know the consequences of the electoral system, but often differently assess them. Different positions and interests produce different perceptions of desirable solutions for recognized weaknesses of the electoral system. On that basis, the state of
minimum, electoral democracy is the subject of permanent critiques, discussions and shaping of ideas for the electoral system redesign.

2.2. State of affairs – the most important problems

The current electoral system has three crucial defects. Their character is structural.

The first one is the closed blocked voting list which prevents voters to directly elect MPs. The consequence is depersonalization of MPs, their alienation from citizens and complete linkage to the parties, i.e. party leaders and oligarchs (having in mind the distribution of power within the party).

Such electoral design excludes the candidate’s need to fight for voter’s sympathies. This is left to the party leader. The candidate struggles to approach him and the top of the voting list as close as possible. In return – voters are guided to base their choice on the leader instead on the party program or candidates’ qualities which recommend them for performing the representative function. MPs and delegates, to put it simply, do not have the base – the citizens do not know who is representing them.

Therefore it is not surprising that public opinion surveys clearly show that citizens think that MPs in the Assembly take more care about the interests of political parties than of citizens’, as well as they are available to the citizens and interested in helping them.

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1 Results of the entire research are available at www.balkanelectoralstudies.org
**Figure 1:** How much do you agree with the following attitudes about the Assembly of Serbia in the current convocation (the sum of answers “strongly agree” and “fairly agree”)?

- MPs in the Assembly take more care about interests of their political parties than about citizens’ interests: 82%
- If I contact a MP of my city/municipal assembly with a problem from its competence, I believe that I would be listened to: 36%
- The Assembly of Serbia efficiently oversees the work of the Government and takes care that the government carries out responsible policy for the benefit of all citizens: 35%
- MPs in the Assembly of Serbia advocates for the interests of ordinary citizens like me: 31%
- If I contact a MP in the Assembly of Serbia with a problem within its competence, I believe that I would be listened to: 24%
- MPs in the Assembly of Serbia are available to the citizens who want to contact them: 17%

**Figure 2:** Think for a moment about functioning of electoral system in practice. To what extent, in your opinion, elections guarantee that the MPs’ opinions reflect the opinions of the voters?

- very well: 1%
- fairly well: 18%
- not too well: 47%
- not well at all: 31%
- No answer: 3%
Moreover, the MPs and MP candidates themselves agree that the existing electoral system does not enable the MPs’ opinion to reflect the opinions of citizens, i.e. voters.

MPs therefore primarily act rather as party delegates than as citizens’ representatives, which can be seen at its best at the level of party discipline during parliamentary voting. In spite of the attitudes which the MPs themselves expressed in our survey (see Graph 3), situations in which MPs decide to vote opposite from their party’s or parliamentary group’s attitude are indeed seldom.

**Figure 3:** If voters in his/her place of residence have one opinion whereas his/her party takes a different attitude – How should the MP vote in the parliament?

Such position of both citizens and MPs in relation to party leadership discourages the turnout at the elections and voting results warn against this. The list, over and above closed and blocked, is ideal for the parties to satisfy all criteria – to nominate leaders, activists from the regions – party’s strongholds, meet different quotas per age, occupation, gender, territory, experience, party merits and the like, but the composition of the voting lists does not reveal that parties indeed behave like this. Electoral institutions thus stultify the citizen-MP relationship.
Elections are not created to represent the parties only, but the candidates as well. Our electoral model does not enable this. Moreover, parties as well believe and expand the awareness that this is the desirable state of democracy. Therefore it is not surprising that electoral campaign emphasizes parties and not candidates.

**Figure 4:** What was your primary aim during the campaign? Where would you place yourself on a scale from 0 to 10, where 0 means “to attract as much attention as possible for me as a candidate” and 10 means “to attract as much as possible attention for my party”?

- **for candidate**
  - 17% for 4
  - 8% for 6
  - 8% for 8
  - 6% for 10

- **for party**
  - 34% for 10

The absence of direct voting for candidates in return destroys already weak democratic procedures in parties when it is about elections: there are no transparent nomination procedures; nomination criteria are fluid; members have no influence on election of MP candidates, which is reserved for the party leadership (which MP candidates themselves speak about in our survey (see Graph 5)).
Deformation of territorial representation as a consequence of single constituency is the second flaw of the current electoral system. From 2000 to 2014 we had overrepresentation of MPs coming from Belgrade: in average about 80 seats in the National Assembly taken by the MPs from the capital. About 22% of voters control about 33% of seats in the National Assembly. The same is true for Novi Sad – together, in average about 40% of MPs come from these two cities while they make about 26% of the electorate.

Overrepresentation on the one side produces underrepresentation on the other: about 100 municipalities had no MP with residence in their territory in the last six legislatures. At least 1.5 million voters are without a MP who lives in their community and share life’s problems with other citizens.

Most of these municipalities are small, underdeveloped and devastated, with big problems of unemployment, illiteracy, lack of infrastructure and all the issues deriving from such situation. To make the irony bigger, the turnout in these municipalities is still a bit higher than in overrepresented regions. In municipalities and cities, this form of metropolization reflects in overrepresentation of urban and underrepresentation of rural parts. Such situation challenges the achievement of one of the „holy“ principles of democratic elections.
– the equality of vote – founded by a set of documents of international organizations and guaranteed by our Constitution.

The third flaw of the electoral system is the fragmentation of party system, both the elective and the parliamentary one. The electoral cycles with this model in average have 20 voting lists at parliamentary and local elections. However, except for the national minority parties and some exceptions, all parties run in coalitions. Thus at the 2014 elections we had 43 parties and 13 different organizations and associations, and more than 20 of them obtained the parliamentary status. It is clear that coalitions bypass the effect of electoral threshold which purpose is to rationalize the number of parties in the parliament. What does this speak about? It speaks about the low level of institutionalization of the party system; fragility of even the several most important, relevant parties; encouragement of fractionalization in parties; the practice of crypto-coalitions. These phenomena are not a good ambience for functioning of political institutions and of system as a whole. The example of government formation shows how much this is unfavorable. We have an electoral system in which citizens, when voting, do not know what government they will get. They choose leaders trusting their lists and their providence that they know which government is the best. This system is bad for citizens, detrimental for consolidation of democracy, nonfunctional for stabilization of the party system.

2.1. Historical review – the genesis of the electoral system in Serbia

The electoral system of Serbia is one of the most important institutions which to a significant extent shaped a quarter of century of democratization. Two phases are clearly visible on this time vertical. In the first one, from 1990 to 2000, the electoral system had been changing in almost every electoral cycle. In the second phase, which has been lasting until today, the proportional representation model
has become stable, however with changes of important elements – size of constituency, seats distribution formula, registration of voters, nomination conditions, control of voting, from the one hand, and conditions for election of the president of the Republic, delegates in municipal and city assemblies and MPs in the Assembly of AP Vojvodina on the other.

The electoral rules for the first, constituent elections of 1990 are an explicit example of a large reform through the imposition of majority. The opposition pleaded for proportional representation, open lists and the largest constituencies possible, while the ruling elites were in favor of majority electoral system in single mandate constituencies. Formatting of the party system and the conditions at the start of democratization strongly determined their position in choice of electoral system: the former ones had no organization, members, activists, money, experience; the latter inherited all that from the communist organization.

For the winners, nearly 4/5 of seats in the National Assembly provided by the majority fabrication mechanism were not sufficient to preserve the majority electoral model. In less than two years it was replaced with proportional representation with nine big constituencies, closed voting lists, 5% legal threshold and the highest quotient method for distribution of seats. This model functioned in one more cycle with no changes whatsoever.
Table 1 – Main elements of the electoral system in the electoral year

<table>
<thead>
<tr>
<th>Electoral year</th>
<th>National Assembly 250 MPs</th>
<th>Assemblies of towns/ municipalities 30 to 90 delegates</th>
<th>President of the Republic of Serbia</th>
<th>Assembly of the AP Vojvodina 120 MPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>Ja</td>
<td></td>
<td>100 signatures of citizens</td>
<td></td>
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<tr>
<td></td>
<td>Majority – two rounds</td>
<td></td>
<td>Turnout threshold 50%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Turnout threshold 50%</td>
<td></td>
<td>Mandate: majority of cast votes</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>Proportional constituencies Electoral threshold 5% List closed-blocked D'Hondt method</td>
<td>Maj Majority – two rounds Turnout threshold 50% first round</td>
<td>10,000 signatures of citizens Turnout threshold 50% Mandate: majority of cast votes</td>
<td>Majority – two rounds Turnout threshold 50% first round Majority Relative majority</td>
</tr>
<tr>
<td>1993</td>
<td>Proportional constituencies Electoral threshold 5% List closed-blocked D'Hondt method</td>
<td>Maj Majority – two rounds Turnout threshold 50% first round</td>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>MajMajority – two rounds Turnout threshold 50% first round</td>
<td>Majority – two rounds Turnout threshold 50% Second round – three candidates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>System</td>
<td>Constituencies</td>
<td>Threshold</td>
<td>Signatures</td>
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<td>------</td>
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</tr>
<tr>
<td>1997</td>
<td>Proportional</td>
<td>29</td>
<td>5%</td>
<td>List closed-blocked</td>
</tr>
<tr>
<td>2000</td>
<td>Majority</td>
<td>0,000</td>
<td>50%</td>
<td>Majority – two rounds</td>
</tr>
<tr>
<td>2001</td>
<td>Proportional</td>
<td>Single constituency</td>
<td>5%</td>
<td>List closed – blocked</td>
</tr>
<tr>
<td>2002</td>
<td>Majority</td>
<td>Relative majority</td>
<td>50%</td>
<td>Majority of cast votes</td>
</tr>
<tr>
<td>2003</td>
<td>Proportional</td>
<td>Single constituency</td>
<td>5%</td>
<td>List closed – blocked</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>System</td>
<td>Electoral threshold</td>
<td>Lists of national minorities</td>
<td>Allocation of mandates per order on the list</td>
</tr>
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<td>------</td>
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<td>---------------------------------------------</td>
</tr>
<tr>
<td>2008</td>
<td>Proportional</td>
<td>5%</td>
<td>List closed-blocked</td>
<td>D'Hondt method</td>
</tr>
<tr>
<td>2012</td>
<td>Proportional</td>
<td>5%</td>
<td>List closed-blocked</td>
<td>D'Hondt method</td>
</tr>
<tr>
<td>2014</td>
<td>Proportional</td>
<td>5%</td>
<td>List closed-blocked</td>
<td>D'Hondt method</td>
</tr>
</tbody>
</table>

**Note:** The electoral system for MPs of the AP Vojvodina was changed in 2014 and was applied for election of MPs at the elections of 2016.
The third redesign of the electoral competition rules occurred in 1997. Three days before voting the electoral law was amended and the number of constituencies was multiplied by three: from nine to 29. The redesign was obviously inspired by the desire for maximization of mandates. This specific gerrymandering counted on that the reduction of the constituency’s magnitude would increase the disproportionality by factual increase of the effective threshold.

The fourth big electoral reform happened in 2000. The proportional representation was introduced, with a single constituency, 5% threshold, closed list, D'Hondt formula for distribution of seats and the parties entitled to allocate mandates regardless the order on the voting lists. This established the electoral system which has been operating for 15 years, under which six legislatures were elected and which is „difficult“ to be changed. However, this attribute notwithstanding, it has been redesigned several times in such aspects that put the electoral changes somewhere between low- and large-scale reforms.

The first change of the current electoral system occurred upon the Constitutional Court’s intervention. In order to prevent the practice of taking away the mandates from the MPs after the termination of their party or coalition membership, which culminated after the year 2000 with the conflicts in the ruling coalition, the Constitutional Court cancelled the provisions of the constitutional law which had enabled such practice. The Constitutional Court took the attitude „that political parties cannot be legally entitled with competences which may change the National Assembly’s composition as a consequence”, as well as that one cannot “establish the legal accountability of MPs in relation to the entity which nominated them“ and thus resolve the problems of party discipline.

Already at the first coming elections in 2003, the national minority parties remained outside the parliamentary benches for the first time since the re-democratization. The height of the threshold of 5% yielded a large number of wasted votes. Upon the agreement of the Prime Minister Vojislav Koštunica and the national minority parties,
the law was amended, abolishing the electoral threshold for the lists of national minority parties. Thus the parties showed their readiness to sacrifice short-term benefits for the sake of increase of representativeness and long-term wellbeing of the representation model.

The third and the final remodeling of the current electoral system happened recently, caused by the enactment of the Constitution of the Republic of Serbia in 2006. Wishing to disable the party shifters to change the voters’ will, the constitution makers prescribed that „a deputy shall be free, under the legally defined terms, to irrevocably put his/her term of office at the disposal to the political party upon which proposal he/she has been elected a deputy“. This constitutional norm changed the free MP’s mandate into a sort of a tied, party mandate. Besides, by explaining that the vacant MP seats are filled according to the order from the voting list, the Constitution implicitly constitutes a proportional representation model of the electoral system, thus enhancing the criteria for change, i.e. blocking it. To make the trouble worse, that norm did not stop the practice of roaming among political parties, political corruption, clientelism and change of voters’ will. Upon the interventions of external factors – the Venice Commission, the European Commission and the European Parliament – the effect of this constitutional norm was somewhat alleviated. First the Venice Commission, already during the Constitution enactment process, criticized the stated solution as contrary to the democratic principles and good electoral practice, and then the European Commission in the Serbia Progress Report 2010 and the European Parliament, in its resolution of 2011, pointed out that „blank“ resignations were not in accordance with the European standards. In the same period the Constitutional Court suspended a set of norms in the Law on Local Elections which showed that the above mentioned constitutional provision could be „elaborated“ by taking „blank“ resignations already from the candidates.
3. Proposals for the electoral system reform

In this document we shall offer two groups of suggestions. The first set is composed of diverse and more principle recommendations created as a result of work of the Action Group for political and electoral system reform which worked as a separate body of the National Assembly. The goal of their presentation is to create a clearer picture about the attitudes of future decision-makers in electoral legislation, about their perception of key problems and possible solutions thereto.

The second set of recommendations are the recommendations of the research team, based on the last survey within the Balkan Comparative Electoral Study project and also on other researches carried out so far.

3.1. The Action Group’s proposals

After the years of debating about the electoral system reform, in the 10th convocation of the parliament (April 2014 – June 2016) this debate got an institutionalized form – the Action Group for political system reform, composed of all parliamentary parties which delegated their representatives. The initiator for the Action Group formation was the Speaker of the National Assembly Maja Gojković, whereas the Chairman of the Action Group was the head of the SNS parliamentary group Zoran Babić.

Since this is the first formalized mode which all parliamentary parties and interested public are involved in, we shall describe in more details the main ideas presented during this process, with a note
that the biggest party at the moment – the Serbian Progressive Party – has not yet presented its reform plan.

The proposals heard within the Action Group are rather different – from the proposal for introduction of majority or mixed electoral system, through personalization of proportional representation (personalized proportional representation), to the maintenance of entirely the same existing system. The majority of the parties pointed out the necessity for decreasing the number of MPs, that it is the necessity for increasing the number of constituencies and the necessity to introduce the model of direct election of city and municipal mayors. In addition, several political actors proposed the introduction of the scaled electoral threshold for coalitions.

The New Serbia is the only party which proposed the introduction of the majority electoral system and single mandate constituencies. It proposed the introduction of mechanisms which would hamper the action of party shifters and requested legal regulation of minimum conditions for democratic decision-making procedures in the parties.

The mixed electoral system was proposed by the New Party (NOVA; 100 of MPs to be elected according to the majority electoral system, and 50 according to proportional representation), the Greens of Serbia and the Enough Is Enough (DJB) movement.

The concept behind the system of personalized proportional representation proposed within the Action Group is that Serbia should have as many constituencies as is the number of MPs elected in the assembly, that each party nominates one candidate per each constituency, that votes of all candidates of one party are summed up and in that manner mandates are distributed among the parties – by which the system maintains proportionality – while within the parties the mandates are allocated to the best positioned candidates. Votes would be casted for candidates with the names of their proposers, and mandates would belong to the parties in proportion with the total number of votes of all proposers’ candidates, providing that they would be allocated to the candidates with the highest percentage of
votes in comparison with the turnover. Hence, the electoral system remains the proportional representation, but voters in this case know whom they are voting for. Such system was supported by the Democratic Party, the Socialist Party of Serbia, the Party of United Pensioners of Serbia, the Social Democratic Party (SDS) and the Social Democratic Party of Serbia (SDPS). It should be noted that the SDS and the SDPS supported this system, but that the SDS proposed that one third of the obtained mandates should be distributed by the party in order to provide the representation of women. The innovation proposed by the SDPS is the option that the proposer may submit the closed list as well, with the names of maximum 20% of candidates in relation to the number of MPs being elected, from which the proposer would be entitled to allocate maximum 20% of mandates according to the order on the list. The intention behind the separate list is obvious – to ensure the seats in the assembly for particular party officials, provide for the representation of women etc.

The preservation of proportional representation with closed and blocked lists but with an increased number of constituencies was proposed by the following parties: the League of Social Democrats of Vojvodina (LSV), the Democratic Christian Party of Serbia (DHSS) and the Serbian Renewal Movement (SPO). The LSV advocates for Serbia to be divided into 5 constituencies. Their model envisages five constituencies: Vojvodina with 63, Belgrade 58, Šumadija 68, Southeastern Serbia 57 MPs. The fifth constituency according to this proposal would be the entire Republic in which 4 MPs would be elected. It would be consisted of all voters with residence abroad or without residence in other constituencies. The DHSS and the SPO advocate for a higher number of constituencies, however without actual proposals for the exact number of them.

One of the existing proposals in the Action Group was the introduction of a scaled threshold for coalitions. The SDPS proposed an increase of threshold by 2% for each member of a coalition until 11%. The New Party proposed a scaled electoral threshold of 7% for two, 9% for three, 15% for four and 25% for five and more parties. A
scaled threshold was proposed by the Alliance of Vojvodina Hungarians (SVM) as well.

The majority of proposals within the Action Group pertained to the decrease of the number of MPs. Almost all parties advocated for the decrease of the number of MPs. Thus the SDPS proposed the number of 150 MPs, same as the NOVA and the SDS, the independent MP Janko Veselinović proposed the number of 150 to 170 MPs, the SPS proposed linking of the number of MPs to the cube root and proposed the number of 190 MPs. The decrease of the number of MPs was also supported by the New Serbia, the United Serbia (JS) and the SVM. The LSV is not against the decrease of the number of MPs in principle; however, it warns that this increases the threshold for election of minority representatives and may leave minorities without mandates in the assembly, so the introduction of guaranteed seats for minorities would be a logical solution in that case. On the other hand, the SNP is against the decrease of the number of MPs since in their opinion the decrease of the number of representatives might challenge the representativeness of the representative bodies.

The introduction of direct election of city and municipal mayors was proposed by the NOVA, DS, JS and the DJB movement.

3.2. The key directions of changes

The main primary strategic direction of changes is certainly the completion of democratic political and electoral legislation which at least guarantees a sustainable minimal threshold of electoral democracy. Clear electoral procedures and proceeding, possibilities for citizens to learn about offered electoral actors and platforms in the campaigns, to know who and under which conditions gives money to those competing for their vote and trust, as well as permanent professional electoral administration resistant against political pressures are only some of the assumptions for democratic constitution of the government.
1. How to provide for a more direct election of MPs?

We have reached the situation that at the moment the majority of parties in Serbia is pleading for a set of key changes within the existing proportional representation system through introduction of “personalized system” (i.e. the so-called preferential voting). Therefore, the goal is to carry out the changes within the proportional representation system in such a manner as to **optimally combine the advantages and avoid the key weaknesses of both majority and proportional representation systems**.

The electoral system of proportional representation with preferential voting implies the **abolishment of a single and introduction of a larger number of constituencies** enabling the voters not to be faced with a large number of candidates whom they should meet with, or with long voting ballot. The number of constituencies can be equal to the number of MPs (as proposed by a significant number of parties), meaning that one candidate from each of the lists is nominated per each constituency, but it can be significantly lower. Croatia, for example, introduced personalized system within the already existing system with 0+ constituencies in which 4 MPs are elected.

Within this change, a decision about the **number of preferential votes** has to be made as well. In our opinion, in the beginning it would be helpful to choose the simplest variant with single preference. The voter could vote only for the list and give preference to some of the candidates on that list. If he/she circularizes one list and give his/her preference to a candidate from another list, the vote shall belong to the chosen party list. The mandates obtained by the list would be allocated to the candidates according to the number of the obtained preferential votes.

The proportional representation system with preferential voting maintains proportionality, enables for direct (or at least more direct) election of representatives and offers a chance to the candidate to win the mandate regardless his/her position on the list. Voters are enhanced against the party oligarchies, as they decide who will ob-
tain the mandate and not the parties (which still retain the power by the decision on selection of candidates). Weaknesses of such system are its relative complexity, the need for higher engagement of voters, low number of voters using this possibility in other countries and the incitement of intraparty competition which might destabilize the parties and lead to divisions within them.

However, personalization of proportional representation is not the only possible solution or the only solution which has been debated about in recent years – the introduction of mixed system and return to the majority system can also be taken into consideration.

2. How to prevent further atomization of party system and stimulate merging of parties?

The former relative instability of the party system and its atomization led to the consensus about the necessity to initiate reversible processes. Although the attention and the negative odium of the public are sometimes exaggeratedly directed towards small parties (having one or two MPs and entering the parliament on the lists of larger parties as official or unofficial coalition partners), it is equally important to create conditions which would not disable the creation of new parties or coalitions.

One of possible mechanisms for remedying the existing electoral system is the introduction of a scaled threshold for coalitions. We propose the introduction of a relatively moderate scaled electoral threshold which would imply an increase of the threshold by 2% if the coalition has more than 2 members per each new party – coalition member. This would mean that a three-member coalition would have to pass 7%, four-member 9% etc.

Arguments in favor of the scaled threshold emphasize that in this manner larger parties would be discouraged to ”give a free ride” to the parties which would certainly not pass the electoral threshold if running independently. In the same time, this would weaken the
potential of small parties to blackmail the big ones and significantly decrease the space of fractionalization of the parliament. Coalitions would in the same time become more consistent, ideologically and program-wise, which assumes both a more efficient functioning and a clearer accountability.

However, one should be cautious when expecting what these measures will bring – the parties (lists) winning about 20% might still form coalitions with lot of members. On the other hand, additional mechanisms can be introduced, to decrease the possibility for coalitions to fall apart after entering the parliament – this might be achieved by more rigid conditions for parliamentary group formation or by changing the model of party financing.

Having in mind our proposal for introduction of preferential voting as well as the possibility for introduction of several constituencies it must be pointed out that this would potentially bring progress for the stability of the party system as well, since the increase of the number of constituencies would have a similar effect as the increase of the threshold. If in the same time the number of MPs is decreased, than several new mechanisms would produce a synergetic effect; therefore, care should be taken not to go to another extreme and form a too static system.

3. How to create a territorially more representative parliament?

The current parliament of Serbia is predominantly based on MPs from big cities – Belgrade, Novi Sad, Niš and Kragujevac. However, it would be unfounded to claim that centralization of the parliament is a consequence of the electoral system only – Serbia is a centralized state in many areas. The question is – can we partially reverse this trend by amending the electoral law?

The introduction of preferential voting and several constituencies would to a certain extent alleviate the territorial underrepres-
sentation of certain parts, however probably leading to intense representation of the biggest cities within the new constituencies.

The highest level of decentralization would be achieved if carrying out the proposal advocated by numerous parties within the Action Group – the same number of MPs and constituencies. On the other hand, we remind that this would open a complex process of determination of borders of new constituencies (as well as the issue of constituencies in Kosovo and Metohija) which would at least lead to new problems, if not to irregularities.

4. How to make a more efficient parliament?

Almost all actors in Serbia supported the decrease of the total number of MPs with reserves that while decreasing the number of MPs voluntarism should be avoided and the decrease should be guided by some important principles, including an undisturbed, quality work of numerous parliamentary boards. In this context it was proposed to link the number of MPs to the cube root of the number of inhabitants, which is about 180-200 MPs.

In implementing this or some similar measure care should be taken that the decreased number of MPs reduces the possibility for representativeness, i.e. that a significant number of cities and municipalities will nevertheless be without MPs. Also, in our opinion, the number of MPs is not the key problem in the work of the parliament and we oppose the thesis that lower number of MPs should lead to savings, as on the basis of years-long research work in the parliament we think that an efficient and successful parliament must have larger resources (both human and material) at its disposal.
5. How to prevent manipulations in the electoral process?

The last few electoral cycles (2012-2016) were marked by serious and numerous accusations for electoral irregularities. We think that this is an extremely important problem because fair and honest elections are the foundation of democracy.

First of all, we propose “departisation” and professionalization of electoral organs and formation of an unbiased and professional electoral administration. The Republic Electoral Commission (RIK) should be formed by the law as an independent body with competences which would manage the electoral process. The RIK should be enhanced with broader competences in carrying out the elections, it should be entitled to legal initiative for amendment of electoral laws in the subject matter of organization and carrying out of elections. In practice, the most errors in electoral activities occur at polling stations and therefore the chairpersons of the electoral organs should be particularly trained through education and permanent trainings.

An equally important dimension in control of carrying out the elections is referral of control and monitoring of party and campaign financing to the hands of an independent regulatory body – the Anti-Corruption Agency or the Public Audit Institution.

Legal changes regarding the financing of elections and work of parties could, besides the already done linking of funds for regular activities of parliamentary parties to budget revenues and decrease of the agreed percentage, move also towards a balanced, more even approach to the funds awarded to the parties for electoral campaign. From the aspect of fairness it might be considered to grant certain funds also to non-parliamentary actors who obtained more than 3% of votes at the elections, as their political rating is far higher than the rating of numerous “coalitional free-riders” which would never even approach the electoral threshold in independent run. On the other hand, newcomers to the electoral scene do not receive enough even for an elementary chance to present their offer to the voters. Distribution of funds (prior to the beginning of electoral campaign) at
even parts from the total amount would balance the electoral chances. Electoral guarantee and the obligation to return public funds if not winning 1% of votes should be maintained as protective mechanisms. In the same manner the amount of loans which parties take in campaign should be limited – no electoral list should receive a loan which exceeds one fifth of the state-given funds for the campaign – of course, if we don’t want to build political monopolies.

The **media sphere** requires changes which would emphasize the **equality of electoral actors** and **limit the spending of money**. Exactly because media are the formative part of contemporary politics, the rules of the game must impose – both to the public and to the commercial, private media sector – an elementary decency and provide for an access to electoral clients to all electoral competitors. Media access is limited for the new parties, not only by the available money and formal rules, but by the journalists’ self-censorship and professional rules which define which political actor would be assessed as credible for participation in certain broadcast. In the same time, there must be a professional and ethical electoral code, posing at least principle limitations to dirty, disavowing and unfounded campaign *ad hominem* and *ad baculum*.

Significant problems have been noticed in relation to the nomination process – we propose **defining of more precise conditions for nomination of national minority parties** in order to avoid manipulations with lower electoral threshold. Another problem with the nomination process is the high number of forged signatures, double signatures and signatures of deceased persons, and this should be sanctioned more rigidly, even with the possibility for rejecting the electoral list containing a high percentage, e.g. 20%, of irregular signatures.
We think it is important to remind once again that every set of recommendations for the electoral system reform is based on the main premise that there is no electoral system which would guarantee certain results, but that the “final outcome” depends on many factors including, among else, the cultural-value matrix of the society, dominant social divisions, political and economic situation in and outside the country, the existing political practice, together with the free will of political actors to assess chances and possibilities within the established rules of the game. Therefore the outcome of every electoral reform is unavoidably linked to a complex set of parameters including the situation in the media, public administration capacities, judicial efficiency and other characteristics of society and state. This does not mean that reforms in this field are a futile fight, but that they should be designed in such a manner as to enable a comprehensive and systemic approach, contrary to the simplified insisting on a single isolated problem.
Recommended literature


CeSID (2008). *Preporuke za izmenu izbornog zakonodavstva*. Beograd: CeSID.

CeSID (2011). *Finansiranje političkih partija – između norme i prakse*. Beograd: CeSID.