

## **Election Issues Bulletin 7: The 2013 BKC Open List System**

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The 2014 Electoral Act has confirmed that there will be an “Open List” proportional system that will be used to count the votes and determine the selection of members of Parliament.

There will be one national constituency electing 50 parliamentarians, or roughly 2% of votes (about 10,800 votes) per parliamentarian.

But the stipulation of a 5% threshold for parties and Independents (roughly 27,000 votes), makes a mockery of the claims of proportionality and “one person-one vote- equal value”.

Small parties and Independents unable to get a minimum of around 27,000 votes cast will be disqualified from being elected to Parliament. Moreover, the votes received by them will have no further influence, and hence totally wasted.

If, by some miracle, Independents do get elected, they will be wasting at least two thirds of their supporters’ votes.

In contrast, many of the individuals elected under their Party umbrellas, will almost certainly have much smaller numbers of votes, compared to those being disqualified by the 5% threshold.

### **The counting method**

Sections 104 to 106 of the Electoral Decree 2014, sets out the methods for the counting of votes and calculation of each party’s allocation in Parliament.

Unfortunately, the method outlined in the Decree, while legally appropriate, is difficult to understand and explain to the general public or even political parties (readers can have a go if they want).

Nevertheless, the simple arithmetical example I give below conveys how the numbers of parliamentarians for each party will be determined.

### **The voting basics**

I estimate from demographic projections that there are about 580 thousand eligible voters in 2014.

Some 540,000 voters appear to have been registered. Let us suppose that they all vote.

Then the election basic numbers are as in Table A.

Table A: Election Basics	
No of seats in Parliament	50
Total voters	540,000
Votes per seat	10,800
5% threshold to be elected	27,000

In a 50 seat parliament, each parliamentarian on average will represent 10,800 voters.

This 5% threshold of 540,000 votes) works out to a massive 27,000 votes or almost three times the average received by parliamentarians in general.

## Hypothetical results in the 2014 Elections

Let us suppose that the five political parties (FFP, SODELPA, FLP, NFP, PDP) and 3 Independents receive the following votes (you can allocate whatever actual Party name you wish to A, B,C, D and E).

Table B Votes Received	
	Votes
Party A	169,000
Party B	185,000
Party C	45,000
Party D	55,000
Party E	25,000
Independent 1	30,000
Independent 2	20,000
Independent 3	11,000
Total	540000

But according to the Decree Section 104 (3)

“The Electoral Commission must then disregard any total number of votes received under the name of any political party or any independent candidate that has not received a total that is at least 5% of the total number of votes received by all the political parties and independent candidates.”

I have shaded in yellow those who do not make the 5% threshold of 27,000 votes.

i.e. Party E and the Independents 2 and 3 are OUT and will not be in Parliament.

So all their votes are wasted.

Independent 1 is elected with certainty (but with 30,000 votes).

The votes of Party E and all the Independents are excluded, in calculating the numbers of candidates from the political parties A, B, C and D, eligible to go into Parliament.

Hence 49 parliamentary seats have to be allocated to Parties A, B, C and D. and strictly in proportion to the votes they have received.

Table C gives in

Column (3) the exact proportions of the total votes received by Parties A, B, C and D

Column (4) gives the exact number of parliamentarians they are entitled to (including the fractions)

Column (5) gives the numbers rounded up, so as to add up to 49 exactly.

Table C Allocating the 49 Parliamentarians				
(1) Party	(2) Votes	(3) Proportion of 454,000	(4) Fractional Number Of seats	(5) Rounded Numbers Of seats
Party A	169000	0.372	18.24	18
Party B	185000	0.407	19.97	20
Party C	45000	0.099	4.86	5
Party D	55000	0.121	5.94	6
<b>Total for above</b>	<b>454000</b>	<b>1</b>	<b>49</b>	<b>49</b>
Independent 1				1
<b>Total in Parliament</b>				<b>50</b>

*[The more accurate method is to keep giving whole numbers to the parties with the largest fractions until you get 49: i.e. you would start with Party B which was entitled to 19.97, round it up to 20, then Party D (round 5.94 up to with 6) then Party C (round 4.86 up to 5). By that time you will already have 49, and so Party A does not an extra parliamentarian for the fraction 0.24]*

When you add the 1 Independent, you get a total of 50 required for the parliament.

### **Lesson 1 Parties need to be prepared for a “hung” parliament**

In the particular arithmetic example I have given above (Table C), the outcome is a “hung parliament” with no Party receiving a majority of 26 out of 50.

With the five parties (FFP, SODELPA, FLP, NFP, PDP) contesting, this may well be the likely outcome.

For fun, readers can try various coalitions post-election, which would give a minimum of 26. Even the one Independent or the small parties might become “king-makers”: eg B, C and the Independent.

But there are many other lessons that parties, candidates and voters need to consider.

### **How are individual parliamentarians chosen?**

Because this is an “Open List” system, whatever the original List provided by the contesting parties, their candidates will be ranked by the numbers of votes they receive. (not the party ranking)

Thus, if Party A is entitled to 18 seats in Parliament, then the first 18 in order of votes received will be selected.

The remain 32 candidates will not be selected (assuming that each party puts up 50 candidates).

This Open List system has the undeniable advantage that really unpopular candidates are not going to get into parliament just because they have joined a popular party. But they could still get in, if their other colleagues are equally unpopular.

If voters decide to vote only for “The Leader”, then some of the minor candidates may not get enough votes to make it to the top of the List (see Table E below).

Parties will have to agree with their candidate where they should campaign in order to win not just maximum votes for their party, but also for themselves as individuals.

Many candidates will want to campaign only in the populous areas where there are large numbers of voters, or where they feel they have the best chance.

Few will want to campaign in widespread areas where the numbers of voters are small, and the costs of campaigning will be high.

**Lesson 2** Not only will each Party be competing against other parties, but candidates within each party will also be competing against each other.

**Lesson 3** Some candidates will have to “sacrifice” their own chances of being elected, in order to campaign in remote less densely populated areas, in order to win maximum votes for their parties, even if they themselves do not win.

**The impact of the 5% threshold**

Table E shows very clearly, why the system is stacked against small parties and Independents (shown in green), because of the 5% threshold clauses in the Decree.

Table D Voters per seat won			
	(1) Votes	(2) Seats	(3) Votes/seat
Party A	169000	18	9,389
Party B	185000	20	9,250
Party C	45000	5	9,000
Party D	55000	6	9,167
Party E	25000	0	
Indep 1	30000	1	30,000
Indep 2	20000	0	
Indep 3	11000	0	
	540000	50	10,800

In the whole parliament, each of the 50 parliamentarians represent some 10,800 voters (last row and last column).

But Parties A, B, C and D roughly get 1 seat for every 9,200 votes they receive (last column).

In contrast, Party E with 25,000 votes does not get a single seat although in a strict proportional system they would have been entitled to at least 2 seats.

Neither do Independent 2 (with 20,000 votes) or Independent 3 (with 11,000 votes) get elected, even though they have got more than the averages for the other parties.

Independent 1, who gets elected with 30,000 votes, had more than three times the average for those elected from the parties.

In the example above, all the votes for Party E and Independents 2 and 3 are totally wasted.

Even Independent 1 who gets elected (but with 30,000 votes) is wasting the votes of some 20,000 or two thirds of his/her supporters.

Had these 30,000 votes gone to any party, they would have elected 3 parliamentarians.

Effectively, their loss will be gained by the larger parties.

If the ultimate objective of candidates is to get into parliament and affect government policy, either as part of government or as Opposition, then Independents and small parties would be strongly advised to negotiate with the larger parties to obtain agreement on common manifestoes, and join them rather than going on their own.

**Lesson 4 This system is biased against small parties and Independents: they should consider joining like-minded large parties with similar manifesto objectives.**

**Lesson 5 Voters must understand that at least two thirds of their votes for Independents will be wasted, even if their candidate is successful. All their votes will be wasted if the Independent does not get the minimum of 27,000. Votes.**

**Lesson 6: Votes for large parties will not be wasted, even if the candidate voted for does not get elected. Even these votes are amalgamated for the Party and counted towards the Party share.**

**How many votes will “successful” party parliamentarians get?**

Suppose that Party A is led by a nationally popular Leader and the total votes received (169,000) entitles Party A to receive 18 seats in Parliament (as in my example above).

All the candidates of Party A will be ranked in order, by the number of votes received, going down from The Great Leader down to Candidate 50 (as in Table E).

In the example here, out of the 169,000 votes going to Party A, The Leader has received 118,400 votes, Candidate 2 has received 15,000, Candidate 3 has received 10,000 votes.

The other 15 who get elected to Parliament received less than 3,000 votes each, going to the 18<sup>th</sup> parliamentarian, who has got only 200 votes but is elected.

These fifteen (plus the first three) are all elected under the Party’s quota of 18 seats in Parliament, largely because of the large number of votes garnered by the Leader. (Note: this weakness would apply equally to a “Closed List” system)

But the fact remains that the Electoral Decree, disqualifies Independents and candidates for all small Parties who receive less than the 5% threshold (less than around 27,000) even if they receive far more than those elected under the umbrella of Party votes.

In the example below, 17 out of the first 18 would not have been elected as Independents.

<b>Table E: Selecting the Parliamentarians for Party A</b>		
<b>Candidate</b>	<b>Votes</b>	<b>Elected?</b>
1. The Leader	118,400	YES
2	15,000	YES
3	10,000	YES
4	3000	YES
5	2800	YES
6	2600	YES
7	2400	YES
8	2200	YES
9	2000	YES
10	1800	YES
11	1600	YES
12	1400	YES
13	1200	YES
14	1000	YES
15	800	YES
16	600	YES
17	400	YES
18	200	YES
<b>32 others totalling</b>	<b>1600</b>	<b>NO</b>
<b>Total votes received</b>	<b>169,000</b>	

**Lesson 7 Under this Electoral Decree, the claim of “one person-one vote-equal value” has little value for those who vote for Independents and small parties which end up not receiving the minimum threshold of 5% of votes cast (roughly 27,000 votes).**

### **Women are unlikely to be represented fairly**

Under the Closed List system (which most Parties had advocated to the Ghai Commission), women could have had a reasonable chance of being placed at the top of the different Party Lists and hence automatically elected, as part of their party quota.

But with the Open List system, women are back to the same situation they had with previous elections.

Given the harsh campaigning requirements, and the unwillingness of voters (both men and women) to vote for women candidates, good women candidates are unlikely to stand, and if they do, unlikely to be elected in reasonable numbers.

The one saving grace with the one national constituency is that good women candidates (as with good men candidates) will be able to appeal to all voters in Fiji and accumulate reasonable numbers of votes.

**Lesson 8      Women candidates, in addition to espousing their good party policies, need to appeal especially to women voters (who comprise 50% of all voters), to vote for good women candidates, whose policies they agree with.**