



## **DISCUSSION PAPER**

*Towards a New Electoral Framework in Timor-Leste:  
On the Legal Framework, Proportional Representation and  
Choice of Electoral Systems*

**MARCH 2006**



## INTRODUCTION

This discussion paper seeks to inform the debate and generate discussion around the various elements to be contained in the law(s) that will regulate the year 2007 elections for National Parliament. It seeks to bring together information and knowledge about electoral systems with the local realities, constraints and concerns of Timor-Leste. In this regard, the subjects presented and issues raised are influenced by discussions that IFES has held with members of political parties and of civil-society organizations during the month of February 2006. This Discussion Paper is written in response to direct requests from various civil-society and political party representative, and incorporates the some of the concerns and questions raised at the discussions convened and hosted by the Presidency on the electoral framework. In this document, IFES seeks to address some of the issues being discussed formally and informally, and fill voids of information and knowledge, particularly as they related to the meaning and implementation of “proportional representation” and to the choice of electoral system.

This is not a position paper, much less a paper about the position of IFES vis-à-vis the subjects addressed. The topics presented here deserve a much fuller treatment. IFES welcomes and seeks the opportunity to engage all stakeholders in the electoral process in an open and frank discussion regarding the electoral modalities available to Timor-Leste as it prepares for its year 2007 elections. Comments and reactions to this paper can addressed to the lead drafter, the resident IFES Chief of Party in Timor-Leste, Mauricio Claudio, at [MClaudio@ifes.org](mailto:MClaudio@ifes.org). Many thanks go to Kåre Vollan for his precise and invaluable contribution.

## BACKGROUND

### Legal Framework

The sections of the Constitution directly relevant to elections are:

#### **Section 63**

##### **(Participation by citizens in political life)**

1. Direct and active participation by men and women in political life is a requirement of, and a fundamental instrument for consolidating, the democratic system.
2. The law shall promote equality in the exercise of civil and political rights and non-discrimination on the basis of gender for access to political positions.

#### **Section 65**

##### **(Elections)**

1. Elected organs of sovereignty and of local government shall be chosen by free, direct, secret, personal and regular universal suffrage.

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4. Conversion of the votes into mandates shall observe the principle of proportional representation;

5. The electoral process shall be regulated by law.

#### **Section 93**

##### **(Election and composition)**

1. The National Parliament shall be elected by universal, free, direct, equal, secret and personal suffrage.

2. The National Parliament shall be made up of a minimum of fifty-two and a maximum of sixty-five Members.
3. The law shall establish the rules relating to constituencies, eligibility conditions, nominations and electoral procedures.

In the discussion regarding the electoral system to be employed, Section 65.4 and Section 93.3 are the most immediately pertinent.

### Fundamental Objectives

A number of fundamental objectives should be identified and defined when selecting an electoral system. Typically, there are five objectives that a democratic, system based on political parties strives to achieve. The system should:

- i. Produce a representative result in terms of political composition, meaning that the composition of the legislature should reflect the nationwide strength of the parties in a closely proportional manner.
- ii. Assure geographical representation in the parliament.
- iii. Support accountability and constituent service of the candidates elected. This typically means that voters should have a say, not only on the distribution between parties, but also on the persons representing the parties.
- iv. Be easy for the voters and for parties/candidates to comprehend and participate.
- v. Be easy for the election administrators to implement.

The last criterion is probably the least important than the others although an election administration that comprehends and is capable of implementing the system is obviously essential.

### Basic Concepts & Limitations

The debate around and selection among electoral systems for the future parliamentary election in Timor-Leste are conditioned by Section 65(4) of its Constitution which states, “*Conversion of the votes into mandates shall observe the principle of proportional representation*”. In simple terms, “proportional representation” is a generic term for a set of methods and formulas for assigning seats to an electoral contestant in direct proportion to that contestant’s share of votes. In proportional representation, a contestant that obtains, say, 46 per cent of the votes shall be assigned 46 per cent of the mandates.

Proportional representation, however, is an ideal that can be approached, but hardly ever fully achieved. In the real world, outside the realm of mathematical calculations, that there can be no fractional seats, mandates and representatives necessarily creates disproportionalities in all electoral systems. That is to say, a political party cannot possess 3.72 seats or votes in parliament, or a seat cannot be occupied by 1.47 persons. The number of seats to be assigned and the number of persons occupying those seats must both be whole, integral numbers. This imperative necessarily and automatically introduces disproportionalities into any system.

Other intended and unintended features of the electoral system, such as thresholds and the number of persons to be elected in a constituency, introduce disproportionalities in any electoral system. Finally, there exists a vast range of methods or formulas<sup>1</sup>, each affording varying degrees of proportionality, for the conversion of votes into mandates. In short, no real-world electoral system provides for complete, full or perfect proportionality.

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<sup>1</sup> For example, Hamilton’s Formula/Method of Largest Remainders, the d’Hondt Method, Sainte-Laguë Method, Droop Quota, Hare Quota, etc.

When designing an electoral system, policy-makers are faced with a wide array of imperatives. They must take into account parameters that affect the system's degree of proportionality, thresholds to participation, complexity of implementation, ease of comprehension to the voter, impact on political party cohesion and development, gender balance, effect on the formation and stability of a government, accountability to localized constituencies, etc. In many instances, policy-makers are forced or wish to deliberately introduce elements that reduce the system's proportionality in order to balance other parameters or objectives. It is for this reason that wide discussion and debate is needed in tackling these tough choices in electoral system design for at its essence a country's electoral system is the fundamental tool for distributing and assigning power, and for conferring legitimacy to an administration and the state.

#### Timor-Leste's Prior Electoral System

The year-2007 elections for National Parliament will be Timor-Leste's first national election conducted under full, national sovereignty. The country's sole prior experience in national legislative elections that met international standards and norms took place under the auspices of the United Nations Transitional Administration in East Timor (UNTAET) on 30 August 2001. Those elections were organized to elect a Constituent Assembly tasked with writing the country's constitution. Subsequently the Constituent Assembly, as provided in both UNTAET Regulation 2001/2 and the new, ratified constitution, became the country's permanent legislature.

Timor-Leste's present National Parliament is composed of 88 members, 75 members elected according to proportional representation from closed party candidate lists, and 13 members elected, each corresponding to one of Timor-Leste's 13 districts, by First-Pass-the-Post (FPTP) or majoritarian system.

For the 75 proportional representation seats, political parties were allowed to present a ranked or ordered list of up to 75 candidates from which elected members were drawn, in descending order of ranking, based on the number of votes obtained nationally by each party. Each party presented and contested the election on the basis of a closed national list of candidates. Voters were not able to cast their vote for individual candidates, but rather, were presented with the opportunity to cast their vote for one party's national slate of candidates in a single, nation-wide ballot. Votes for each party were converted into mandates through a proportional method, and there was no explicit threshold or minimum number of votes that a party had to obtain in order to participate in the conversion of votes into mandates. In summary, 75 of 88 members of the National Parliament were elected by closed, party-list proportional representation from a single, nation-wide constituency with no threshold.

The remaining 13 seats were filled by electing one person from each one of the country's administrative districts, or single-member district constituencies by a single, majority vote. District candidates were elected from a district-specific ballot paper by FPTP. Both party-affiliated and independent candidates were eligible to stand for elections.

In electoral terminology, the electoral system used for the 2001 Constituent Assembly elections belongs to the Parallel Systems family, for it combines FPTP, a majoritarian/plurality system, in its 13 single-member district constituencies with one multi-member national proportional representation constituency. Further, in a Parallel System the district and national constituencies are not linked in any manner or, said another way, the results in one constituency have no effect on and are never carried over to another constituency. In the big family of electoral systems, Parallel Systems are often called semi-proportional since only a fraction (most often a half) of the representatives is elected according to proportional representation. Arguably, a Parallel System does not fall within the constraints imposed by Section 65.4 of the Constitution.

The electoral system employed for the year 2001 elections was noteworthy in that it resulted in a moderately proportional distribution of mandates while featuring a small element of district-based elections, meaning that it managed fairly well a combination of proportionality and some local representation.

### **MISCONCEPTIONS REGARDING SECTION 65(4)**

In the course of conversations with political party and civil-society representatives, the author has come across at least two erroneous readings or interpretations of the requirement imposed by Section 65(4). One of them concerns the issue of quotas for women in candidate lists, while the other touches upon the choice of electoral systems available to policy-makers. But before addressing each one of the two issues, a clearer operational understanding of the requirements imposed by Section 65(4) is needed in order to cast light on these two misconceptions.

For the purpose of this discussion and for clarity, the word “mandate” in Section 65(4) is understood to mean “seats” in the legislature. The allocation of seats, that is, the translation of votes into seats occurs at the last stages of an electoral process. It takes place only—and only after—the vote totals, the raw number of votes that each political contestant received, has been certified. Only then, after the raw vote totals are fully fixed and official, does the task of converting votes into seats begin. Operationally, seat allocation involves putting in vote totals into a formula, turning the crank, and letting the number of corresponding seats emerge. Once the number of seats has been determined, the competent electoral authority chooses the names of the persons, from the candidate lists submitted by the contestants, to fill those seats. Operationally seat allocation comes at the end of the electoral process, long after the submission and certification of candidate lists.

Returning to the issue of mandatory quotas for women in candidate lists, a common misconception, an argument against the use of quotas, is that their use violates Section 65(4) of the Constitution, that a gender quota in candidate lists renders the electoral system or the method for translating votes into seats disproportional and runs afoul of the Constitution. This is simply incorrect, and has no support in either Section 65(4) or anywhere else in the Constitution. On the contrary, candidate list quotas are a tool for improving the proportionality of women standing for election with regards to their number in society at large. The inclusion of a determined percentage or of an specific ordering of women in a candidate list, long before election day, bears absolutely no connection to the subsequent task of translating votes into seats in a proportional manner, for the latter task is wholly determined by a formula (one having nothing to do with the gender quota) whose output is a gender-blind number of seats. A gender quota determines the minimum gender composition of a candidate list, regardless of whether that list receives a vote and well in advance of election day and the tabulation of results, while an electoral formula determines the number of seats to be allocated to persons in the abstract, after polling and the certification of results has taken place. Section 65(4), therefore, bears no relevance to the debate regarding the adoption or rejection of mandatory gender quotas.

One big advantage of proportional representation systems over FPTP systems is that gender and other quotas can easily be combined with a proportional representation among political parties. The application of gender quotas does not affect the party distribution at all, as opposed to quotas in majority systems.

A second misconception, heard from parliamentarians and civil-society alike, is that Section 65(4) restricts the choice of electoral system to be employed in the future to one particular system: a single, multi-member national constituency (SMNC). Routinely, one

hears that the Constitution places high restrictions on the range of electoral systems, and that that restriction allows only for the implementation SMNC. Needless to say, Section 65(4) notwithstanding, Timor-Leste still enjoys a wide array of options from which it can select and design its future electoral system. Furthermore, Section 93.3 also opens the possibility—indeed suggests—the use of a system based on constituencies. Timor-Leste enjoys a wide range of systems, not only one (ie. SMNC), that it can select for the future. It is to some of those choices that we now turn.

## OPTIONS FOR ELECTORAL SYSTEMS

The following discussion presents three possible electoral systems that satisfy both the letter and spirit of Section 65(4). There are other possibilities, but this paper presents the most obvious and simple suggestions. For simplicity and in the interest of maximizing proportionality, it is assumed throughout that the future parliament of Timor-Leste will consist of the maximum number of 65 representatives stipulated in the Constitution.<sup>2</sup> Parameters and components such as thresholds, candidate list type, and seat allocation formula have been deliberately left out of this discussion in order to focus primarily on two central questions, from which other key parameters emerge, in the design and selection of an electoral system: constituencies<sup>3</sup> and apportionment. These, among other, issues will be taken up in future Discussion Papers.

Finally, this paper does not do justice to the full details and variants of the options presented. The reader is encouraged to contact IFES directly should he/she wish to discuss any of the topics presented in this paper in greater depth. As indicated previously, these are options, presented for the sake of informing and broadening the debater. They are not, in part or whole, suggestions or recommendations on the part of IFES.

### 1. *Single, Multi-member National Constituency (SMNC)*



In a single, multi-member national constituency, the entire country forms one electoral district or constituency from which all representatives to the legislature are elected. In a

<sup>2</sup> Discussions and decisions about the size of the future National Parliament must take into account that all other things being equal the larger the membership, the more proportional the final system will be in translating votes into mandates, and that final proportionality has direct implications for, among others, access and representation by smaller political parties or groupings.

<sup>3</sup> “Lingkaran pemilu”, “sirkulu eleitoral” are the analogous terms heard in discussions.

SMNC election, the most common method for presenting candidates is through (open or closed) candidate lists. On election day, voters receive and cast their selection on a single, nation-wide ballot. Votes received by each contestant across the country or national constituency are tabulated, and these national vote totals are used for the allocation of all seats. Political parties campaign nationally because every vote, no matter where it is cast, counts towards the allocation of seats

The 2001 elections in Timor-Leste employed just such a system to elect the 75 party-list proportional representation delegates to the Constituent Assembly. Very few countries nowadays utilize solely SMNC to elect their entire parliament. It is presently used in Israel, Moldova, Slovakia and the Netherlands, and was used in 2005 in Iraq to elect a constituent assembly.

#### *Advantages of SMNC*

One of the crucial determinants of proportionality of an electoral system is the district magnitude, where district magnitude is defined as the total number of representatives to be elected in the district or constituency. All other things being equal, the higher the number of representatives to be elected in a constituency (ie. the higher the district magnitude), the higher the proportionality in the conversion of votes into mandates. One of the advantages of SMNC, therefore, is that by maximizing district magnitude it tends to produce highly proportional results.

A corollary to SMNC's high proportionality is that it leads to wide political representation. Since vote totals are translated into mandates in a highly proportional manner, political contestants with low vote totals or minority (ethnic, religions, ideological, etc.) parties might still manage to obtain seats, thereby gaining access to decision-making in the legislature. This might be particularly crucial in nascent political systems where the inclusion of a wide range of groups and interests could aid in democratic consolidation.

Another consequence of the high proportionality afforded by SMNC is that it tends to minimize wasted votes. In the absence of formal thresholds, the vast majority of the votes go toward the conversion of seats into mandates, giving voters a sense that their vote counts in the configuration of the legislature. This is particularly important in countries where people may have to travel hours and invest great deal of effort to cast their vote. Further, the minimizing of vote wastage may assist in preventing voter apathy and decreasing voter turnout with the passage of time.

SMNC also encourages political contestants to reach out to the voter and campaign broadly since, in a nation-wide district, a vote in any and all localities go toward gaining a seat. This encourages the formation of political parties that are truly national in scope. A corollary to this is that the emergence of political fiefdoms—geographical areas dominated exclusively by one party—is discouraged.

From an electoral administration point of view, SMNC elections can be simple to organize and implement. Many operational aspects such as voter education, political candidate certification, ballot paper design and production, and results tabulation are simplified. The task of casting a vote is also made simple for the voter receives only one ballot paper.

#### *Disadvantages of SMNC*

A fundamental disadvantage of SMNC is that it does not guarantee geographical representation. There is a risk that the candidates all come from the capital or major cities, and that remote areas are left out. The political issues in remote areas are different from the ones in central areas, and a national legislature should represent the whole country.

Another weak feature of systems of representation representation in general is that the individual candidates may be less accountable to the voters. It is the party which is chosen more than the candidates. However, this can be remedied by opening the lists for voters individual choice of candidates in addition to the vote for the party. The SMNC would in any case be weaker on accountability since the distance from the voters to the candidates is larger. It is less likely that the voters are be able to assess the achievements of the individuals from a large, nationwide list than from a local list for their district.

In other words, under SMNC elected representatives lack ties with a specific, localized community. If a particular group or community harbors a grievance or a need, it cannot appeal to a local representative. This acquires greater relevance in countries with basic or non-existent communication and road infrastrucure. The lack of a base to which an elected member of the legislature is accountable and serves as a conduit of political communication can only serve to weaken the ties that glue a country’s center to its outlying areas. Finally, it is often argued that new democracies—particularly those in agrarian societies—have a much greater need for constituency service at the local level than for representation of all shades of ideological opinion in the national legislature.

A third disadvantage of SMNC stems from its high proportionality, which could lead to a fragmented the party system, and in particular to the proliferation of very small, extremist or personality-based political parties. This not only has implications for the party system, but also for the formation and stability of the government. In a system characterized by a proliferation of political parties (i.e. where the effective number of parties is high), the formation and stability of a government might be compromised. In such cases governments would often be coalitions rather than one-party governments, and it requires skills and effort to establish and maintain the coalition. Nevertheless this is common in many countries, and a coalition government is not the same as an unstable government.

**SUMMARY TABLE**  
**Single, Multi-member National Constituency (SMNC)**

<b>No. of Districts</b>	1
<b>District Magnitude</b>	65
<b>No. of ballot papers</b>	1
<b>Relative Electoral Administration Complexity</b>	Low
<b>Geographical representation</b>	Very Low
<b>Accountability</b>	Low
<b>Proportionality</b>	Very High
<b>Effective Threshold for Participation</b>	Low
<b>Candidate Lists</b>	Open / Closed

## 2. Multi-member District Constituencies (MDC)



In a multi-member, district constituency electoral system, the country is divided into several constituencies, each of which elects a specified number of representatives to the legislature. In the case of Timor-Leste, the natural divisions or constituencies are the 13 existing administrative districts which were used as single-member constituencies for the year 2001 elections. Political contestants put forward list of candidates specific to each constituency, and the distribution of seats is performed within each district constituency solely in proportion to the votes in that constituency

A fundamental task before establishing MDC is to determine—or to “apportion”—the number of representatives that each constituency is entitled to elect to the legislature. This act of apportionment is very commonly effected on the basis of population or the basis of registered voters.<sup>4</sup> In Timor-Leste, the most natural way to apportion seats is arguably on the basis of population figures from the year 2004 census<sup>5</sup>. For illustration purposes, an apportionment of parliamentary seats<sup>6</sup> to each one of the 13 districts based on population figures would result as follows:

<sup>4</sup> Apportionment based on voter registration data may result in skewed or unexpected results in countries where large segments of the population are below voting age. Also, apportionment based on voter registration data may result in the increased the politization of the voter registry and of the voter registration. To date there has be no independent evaluation of the quality and coverage of Timor-Leste’s voter registry. Furthermore the voter registry, despite its fundamental importance, remains as a whole inaccessible to the general public and to political entities.

<sup>5</sup> Adjusted to take into account population growth since.

<sup>6</sup> Apportionment calculations are based on the Sainte-Laguë Method. This is only one of at least five such calculation methods.

**Table 1**  
***District Apportionment based on Population***

District Constituency	Population 2004 Census	Representatives
Aileu	36,889	3
Ainaro	53,629	4
Baucau	104,571	7
Bobonaro	82,385	6
Covalima	55,941	4
Dili	167,777	11
Ermera	103,169	7
Lautem	57,453	4
Liquiça	55,058	4
Manufahi	44,235	3
Manatuto	38,580	3
Oecussi	58,521	4
Viqueque	66,434	5
<b>Total</b>	<b>924,642</b>	<b>65</b>

\* Figures taken from the National Directorate of Statistics at: <http://dne.mopf.gov.tp/census/results.html>

As Table 1 shows, each of the thirteen electoral districts are apportioned or assigned a number of representatives that it elects to the national legislature based on their population. For example, districts with small populations such as Aileu, Manufahi and Manatuto would be entitled to elect and be represented by three representatives each, while districts with larger populations such as Dili and Baucau would be entitled to elect and be represented by eleven and seven representatives, respectively. Demographically, the country's legislative representation is made proportional as well.

On election day, there would be 13 parallel district elections, each of which would result in the election of varying numbers of representatives to the legislature. Under MDC, there is no nation-wide election or constituency. Candidatures are presented on the basis of district-specific party lists, and voters in each district constituency casts their vote on a district-specific ballot that reflects the candidate lists for that constituency. MDC is used in the Czech Republic, Brazil, Belgium, Spain, Portugal and Finland.

*Advantages of MDC*

An immediate improvement of MDC over SMNC is the obvious and direct link that it creates between an elected representative and an electing locality, while maintaining at least in form, if not in substance, a degree of proportionality. Under MDC, elected representatives can be linked to a constituency, but most importantly, that constituency is able call and make demands upon their elected representatives. This encourages, in theory, greater accountability and responsiveness to local concerns in government. Further, district-specific candidate lists presuppose that the candidates on those lists must satisfy certain residency

requirements.<sup>7</sup> This has the effect of diversifying geographical representation in the legislature for it becomes impossible to pack candidate lists (as is often the practice in a single, national candidate list under SMNC) with persons from the capital or any other locality.

From a political contestant point of view, campaigning is made simpler since a candidate need only reach out and appeal to potential voters in his/her constituency. Campaigning becomes more important at the district than at the national level, and it encourages political contestant to develop platforms attuned to local concerns and needs.

*Disadvantages of MDC*

As mentioned previously, district magnitude is arguably the most important determinant in assuring proportionality. Under MDC, district magnitude is necessarily reduced due to the fact that the 65 representatives to be elected must be divided among and apportioned to district constituencies. This results, based on the apportionment in Table 1, in district magnitudes ranging from eleven to three members. Reasonably proportional results can be obtained with district magnitudes of twelve to four members. District magnitudes of three members, however, may result in disproportionality. In this regard, a proportional representation system like MDC can return, under low district magnitude, disproportional results. This disproportionality in districts of small magnitude results in placing smaller parties or localized parties at a disadvantage. Said another way, MDC tends to favor the biggest parties.

A secondary disadvantage of MDC is that operationally it adds, in relation to SMNC, complexity the task candidate registration, ballot paper production and the tabulation of results.

**SUMMARY TABLE**  
**Multi-member District Constituency (MDC)**

<b>No. of Districts</b>	13	The current administrative districts of Timor-Leste
<b>District Magnitude</b>	3-11 Low/Medium	Based on St.- Laguë Method and Census Population figures
<b>No. of ballot papers</b>	13	One for each district constituency
<b>Number of ballots that the voter receives</b>	1	For the constituency the voter is in.
<b>Electoral Administration Complexity</b>	Medium	Increased complexity in candidate registration, ballot paper design & production, and vote tabulation & conversion
<b>Geographical representation</b>	Very High	
<b>Accountability</b>	High	
<b>Proportionality</b>	Medium	
<b>Effective Threshold for Participation</b>	Medium	
<b>Candidate Lists</b>	Closed / Open	

<sup>7</sup> Should Timor-Leste opt for district constituencies, the discussion should take into account some sort of candidate residency requirement in order to avoid the experiences of other countries where regional and local candidate lists are oftentimes packed with persons from the capital or major cities.

### 3. *Compensatory Multi-member District Constituencies (CMDC)*

Although MDC is in form and implementation a system based on proportional representation, its translation of votes into seats can, under low district magnitudes, be less than proportional. As district magnitude decreases, so will proportionality. For example, based on the apportionment in Table 1, MDC will produce somewhat disproportionate results for the election in Aileu (district magnitude = 3) while its proportionality will peak in the elections in Dili (district magnitude = 11). In particular, small parties will be disadvantaged, and even the relationship among the major vote getters may be disproportional. Many countries have, therefore, introduced so-called Compensatory Seats to make up for the disproportionalities of MDC.

A Compensatory Multi-member District Constituencies system is composed of two tiers of candidates, one elected directly by voters in district constituencies as in MDC and another selected from a national compensatory list of candidates based on the difference between the number of seat predicted by the nation-wide vote totals, and actual number of seats obtained in the district constituencies. The resulting electoral system retains the advantages of MDC while compensating for its disproportionality and the inherent high effective threshold in districts of low magnitude.

The following is an example of how a CMDC system could work in Timor-Leste. Let's imagine, for the sake of the example, that 50 of the 65 seats in the legislature are to be apportioned to the districts, and the remaining 15 seats are set aside as Compensatory Seats.

Party	National Vote Total	% National Vote Total	Seat entitlement according "full" proportionality ( A )	Seats won in the 13 Multi-member District Constituency elections ( B )	Compensatory Seat Entitlement ( A – B )
<b>A</b>	140,000	28.0	<b>18</b>	15	3
<b>B</b>	60,000	12.0	<b>8</b>	5	3
<b>C</b>	250,000	50.0	<b>32</b>	28	4
<b>D</b>	25,000	5.0	<b>3</b>	2	1
<b>E</b>	20,000	4.0	<b>3</b>	0	3
<b>F</b>	5,000	1.0	<b>1</b>	0	1
<b>Total</b>	<b>500,000</b>	<b>100.0</b>	<b>65</b>	<b>50</b>	<b>15</b>

In the example, Party E and Party F both did not win a seat in any of the 13 district constituency elections. Had there not been compensatory seats—as under MDC— all their votes had been discarded and not at all used in the allocation of seats. Under CMDC, vote totals not used in the allocation of seat at the district level are effectively utilized at the compensatory seat level. Compensatory seat allocations are performed on the basis of nationwide vote totals for all political contestants. Under a CMDC systems, parties will ultimately be guaranteed the number of seats they are entitled to according to their nationwide strength (ie. proportionality is assured), while retaining district constituencies. The overall, final result is highly proportional, and geographical representation is provided.

Operationally, CMDC maintains the same level of complexity as MDC with the exception that there is now a fourteenth candidate list to be certified, the Compensatory Seat candidate list. Ballot papers, however, remain essentially the same in design, content and number as in MDC. CMDC is employed in Scandinavia, South Africa, Bosnia and Herzegovina, Austria and Romania.

*Advantages of CMDC*

The fundamental advantage of CMDC is that it combines the best and eliminates the worst characteristics of SMNC and MDC. It improves on MDC proportionality to a point where it is on par with SMNC while providing for the geographical representation lacking in SMNC. This is achieved at only a marginal increase in complexity of the system and of administration. In brief, CMDC combines the best and eliminates the worst of two worlds.

*Disadvantages of CMDC*

CMDC adds some complexity in the tasks of voter education, candidate list certification and in vote tabulation. In particular, voter education has to devote effort in explaining the rationale and functioning of the system. Vote tabulation acquires another tier in that the sum of vote totals in all 13 district elections has to be tabulated to the allocation of compensatory seats. Finally, there is an additional candidate list to be submitted by political entities and processed by the electoral administration body. All in all, however, the added complexities are not substantial. The advantages far outweigh the disadvantages.

**SUMMARY TABLE**  
**COMPENSATORY MULTI-MEMBER DISTRICT CONSTITUENCIES (CMDC)**

<b>No. of Districts</b>	13	The current administrative districts of Timor-Leste
<b>District Magnitude</b>	3-11 Low / Medium	Based on St.-Laguë Method and Census Population figures. Other apportionment methods are available.
<b>No. of ballot papers</b>	13	One for each district constituency
<b>Number of ballots that the voter receives</b>	1	Corresponding to the constituency of the voter
<b>Relative Electoral Administration Complexity</b>	Low/Medium	Marginal increase in complexity of candidate registration, voter education, and vote tabulation & conversion
<b>Geographical representation</b>	High	
<b>Accountability</b>	High	
<b>Proportionality</b>	Very High	Built in to the system
<b>Effective Threshold for Participation</b>	Low	
<b>Candidate Lists</b>	Open / Closed	

## CONCLUSION

Returning to the fundamental objectives of an electoral system presented before, the table below is an effort to classify the systems according to those criteria:

	<b>SMNC</b>	<b>MDC</b>	<b>CMDC</b>
<b>Politically Representative</b>	Very High	High	Very High
<b>Geographically Representative</b>	Very Low	Very High	High
<b>Accountability</b>	Low	High	High
<b>Simple for voters</b>	Very High	High	High
<b>Simple for administrators</b>	Very High	High	High

The classification is not scientific, but it gives an indication of comparative strengths and weaknesses of each system presented. However, one of the ultimate objectives of this paper is to highlight the fact that policy-makers are not restricted to one, single electoral system. In fact, at least three feasible choices, all satisfying the spirit and the letter of the Constitution, are available.

Likewise, the Constitution—and in particular Section 65.4—does not in any way prohibit or prevent the implementation of mandatory gender quotas for elected officials. On the contrary, it can be argued that gender quotas are supported, at the very least in spirit, by the Constitution.

Finally, the parameters in the selection and design of an electoral system and their implications are vast. At its essence, an electoral law is the primary “rules of the game” for apportioning power in a political system. All of this calls for a broad debate around the drafting and approval, formally by parliament and informally by all stakeholders, essential.



## GLOSSARY<sup>8</sup>

**Compensatory Seats:** Seats awarded to parties or groupings to correct disproportionalities in their representation resulting from elections held under low district magnitudes or plurality/majority systems.

**Constituency:** A synonym for electoral districts.

**District Magnitude:** The number of representatives to be elected from a district.

**Electoral District:** One of the areas into which a national or local authority may be subdivided for electoral purposes.

**Electoral Formula:** That part of the electoral system dealing specifically with the translation of votes into seats.

**Electoral System:** That part of the electoral law and regulations which determines how parties and candidates are elected to a body as representatives. Its three most significant components are the electoral formula, the ballot structure and the districting structure.

**First Pass the Post (FPTP):** The simplest form of plurality/majority electoral system, using single-member districts and candidate-centered voting. The winning candidate is the one who gains more votes than any other candidate, even if this is not an absolute majority of the valid votes.

**Multi-member district:** A district from which more than one representative is elected to a legislature or elected body.

**Proportional Representation (PR):** An electoral system family based on the principle of the conscious translation of the overall votes of a party or grouping into a corresponding proportion of seats in an elected body. All PR systems require the use of multi-member districts.

**Threshold:** The minimum level of support which a party needs to gain representation in the legislature. A threshold may be a formal threshold, which is a figure laid down in the constitution or the law, usually in the form of a percentage of the valid votes cast, or an effective or natural threshold, which is a mathematical property of the electoral system in use.

**Wasted votes:** Valid votes which do not ultimately count towards the election of any candidate or party.

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<sup>8</sup> Taken from International IDEA's *Electoral System Design*, 2005.