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PROPORTIONAL ELECTORAL MODEL AND TYPES OF CANDIDATE LISTS

1. Introduction

Institutional development plays a particularly important role in the process of democratic consolidation. The democratic transition inevitably faces the challenge of choosing modalities for the construction of new institutions, and, within that context, of making decisions about the electoral rules.

The electoral system is one of the key issues addressed by the institutional engineering. Actually, the electoral design is one of the most developed branches of institutional design in the political science.[1]

The primary tasks in the course of the selection of the solutions for the electoral system are to provide for political stability and government's efficiency, as well as to provide for the expression of the will of the voters. These tasks imply restricting the extreme polarization of the political scene, and restricting or marginalizing the extreme political options, so as to enable, on one hand, the establishing of a stable government, and, on the other hand, to provide for the representation of minorities and expression of different views and interests. Thus, it is not unexpected that the electoral system is thought of as the "most powerful levers of the constitutional engineering" encouraging the adaptation of divided societies.[2]

Taking into account Robert Dahl's remarks on the link between the democratic system on one side, and the electoral process and system that accompany it, on the other, one should not wonder that the Republic of Macedonia, since the start of the transition and up to the present day is perpetually undergoing "electoral reforms" of some sort, seeking better and more adequate solutions. Most of the times that quest for new electoral rules meant promotion of the electoral process, but in certain cases one could observe the reverse tendency.[3]

Searching the most suitable electoral model, which shall respond to the challenges of the fragmented political scene and divided society, the Republic of Macedonia started from the majority electoral model, and through the mixed model, ended with a proportional electoral model whereby the country is divided into six electoral districts.

Usually, the proportional electoral model is introduced out of the following reasons: it accentuates the need for negotiations and consensus, it is fairer towards political parties and enables the

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[1] Mirjana Kasapović, 'Institucionalni dizajn – najkonjuktirnija grana suvremene političke znanosti', *Politička misao* 1 (2004): 107

[2] Donald Horowitz, *A Democratic South Africa? Constitutional Engineering in a Divided Society*, (Berkley: University of California Press, 1991), 163.

[3] For example, the electoral reform in 2008, instead of fighting corruption and the illegal funding of electoral campaigns, resulted in legalization of the, by then, illegal phenomena in this field. For more details, see in: Renata Deskoska, 'On the Electoral Code: Reforms without pure intentions' *in Institutional Reform and its Importance for the Development of the Republic of Macedonia – Collection of Studies from the Scientific Debate held in Skopje, 18 December 2008,* (Skopje: MANU, 2009), 375-391.

representation of several parties, and it facilitates the election of women or minority candidates, provided they are placed on the candidate lists.

Therefore, the proportional electoral model aims the greatest possible consistency in the representation of the political options. However, any overemphasizing goers to extremes and may lead to parliamentary representation even of the "most exotic" political options. This is the source of the key weakness of the proportional model: the overrepresentation of the political parties may lead to an unstable government. This gave rise to the tendency to apply an electoral threshold or divide the territory of the country into several electoral districts. The Republic of Macedonia has overcome this weakness by dividing the country into six electoral districts, and as a result, in spite of the fact that our country uses a proportional electoral model, in terms of stability of the Government the model has the effects of the majority model.

The proportional electoral model has other weaknesses, such as the weak link between the elected representatives and their constituencies, since the model implies voting for candidate lists, rather than for individual candidates; the lack of possibility to eliminate the unpopular candidates that are placed high on the list; centralization of political parties, since it is the party leadership that defines the composition of the party list. These weaknesses of the proportional electoral model, which may also be found in the Republic of Macedonia, can be addressed by opening the candidate lists in order to increase the voters' influence over their composition. However, the introduction of open candidate lists, in addition to its advantages, also has certain disadvantages and weaknesses.

2.   Types of candidate lists – definition of terms

If the electoral system is essentially "an institutional mode by which the voters express their political preferences in the form of votes, and within which the votes cast by the voters are translated into seats" [4], then we may ascertain that there are different modalities in relation to what extent the voter has an opportunity to express his/her preferences.

In the majority models, the voters have a more direct possibility to express their political preferences for a specific candidate, that is, political party. In the case of proportional electoral models, most often the link between the candidates and their constituencies is severed, because such systems involve voting for a party, i.e., list, instead for candidates. This weakness is overcome by opening the lists, so that the voters can vote not only for a candidate list, but also for individual candidates. Such a ballot may take several forms.

The ballot can be carried out with closed or with open lists. However, the theory defines the closed and the open lists in a different way.

Some authors believe that *closed lists* are those lists where the voter can cast his\her vote exclusively for a single candidate, i.e., a single candidate list, which has been predetermined by the submitter. Furthermore, such list can be *closed blocked* and *closed nonblocked.*

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[4] Mirjana Kasapović, *Izborni leksiskon*, (Zagreb: Politička kultura, 2003), 160-1.

Closed blocked lists are those lists where the voters have no possibility to alter the order of candidates that has been fixed by the list submitter. The closed nonblocked lists allows the voters to vote for specific candidates within the frames of the offered list and thus influence the allocation of seats within the list. As opposed to the closed lists, the *open lists* enable the voters to express their preferences and to cast their votes for several candidates of different political parties.[5]

Other authors differentiate between lists that are *closed or rigid* (the voter casts the vote for a predetermined order of candidates that cannot be altered), *semi-open or loosely-structured* (the voter can change the order of candidates in the list), and *open or free* (the voter creates his/her own lists on the basis of all proposed candidates and lists).

There is also a third group of authors who speak about two general types of lists: *closed* and *open.* In the closed list systems, the party fixes the order in which the candidates are listed, and the voter casts a vote for the party as a whole. The voters are not able to indicate their preference for any candidates on the list, but must accept the list in the order presented by the party. The winning candidates are selected in the exact order they appear on the original list.

The open list systems allow voters to express a preference for particular candidates, not just parties. They give the voter some say over the order of the list and thus which candidates get elected. In these systems the voters cast their votes for individual candidates. That vote counts both for the specific candidate and for the party. Thus, the order of the final list completely depends on the number of votes won by each candidate on the list. The most popular candidates rise to the top of the list and have a better chance of being elected.

Furthermore, the voting can be done individually or per category, where the voters have only a single vote by which they can express their preference for the party, i.e., the candidates on the ticket (straight ticket). In the proportional model it is the voting for a list of party lists (simple party-list ballots). The ballot can also be dome with two votes (one for a candidate and one for a list), as well as with more votes. Voting with more votes can be preferential (the voter gives preference to one candidate), alternative (the voter gives an order or preferences), cumulative (the voter casts more than one vote for a single candidate) and panachage (the voters distribute their votes between candidates from different party lists). For instance, in Belgium, Italy, Austria and other countries the voter has one vote for a list and a limited number of preferential votes that can be used to change the order of candidates on the list. In some countries, such as Luxembourg and Switzerland, the voter has as many votes as there are seats allocated to the electoral district.

For the purposes of this paper, the terms *open list* and *closed list* shall be used in the most general sense, as defined by the third group of authors.

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[5] Dragan Đukanović, "Izborni sistemi u zemljama nastalim na području nedadašnje Jugoslavije", *MP*-4 (2006): 514.

3.   Closed lists

In the case of closed lists, the voters have a single vote that they cast for the entire list as presented by the political party, and they cannot vote for a candidate.

Closed lists prevent the fulfillment of one of the essential requirements that are set for each electoral system - establishing a direct relationship between voters and candidates. In any electoral system it is advisable to allow the voters a greater say in which candidates will represent them. In the proportional electoral models, the nomination is carried out on the basis of lists, so that political parties assume the role of mediators in the relationship between voters and candidates. Closed-list proportional electoral models imply that the voters have the possibility to completely accept or reject the candidate list proposed by the political party. Party members and sympathizers are virtually forced to vote for the list offered by their party, regardless of whether they like or not the candidates that the political party placed on the winning slots.

Closed lists make it possible for unpopular candidates, or representatives of unpopular groups, to stay "hidden" in the lists, so that the voters have no option of voting against them, other than rejecting the list entirely. It is also noticeable that closed candidate lists result in lower local representation, since the "central political players" are those who get placed on the higher priority, i.e. winning slots on the lists. Furthermore, the party centralization, which frequently complements the closed lists, is also detrimental to the local representation.

The closed lists that are applied in the Republic of Macedonia had resulted with the nomination of persons "with no biography", candidates of the "Caligula's horse"[6] type - common party soldiers whose main qualification for nomination is their loyalty to the party leadership, i.e., being the leaders' "pets". Thus, one can see the difference in the quality between the Members of Parliament in the Republic of Macedonia who were elected under the majority electoral model and those who were elected under the proportional electoral model.

Due to such "criteria" for nomination on the list, in the closed list system the Members of Parliament are more accountable to the party leaders, who are to be credited for their placement on the winning slots of the lists, rather than to their constituents.

In the closed-list proportional electoral model, the voters cast their vote primarily for the party list and are interested in the top candidates on the lists and in party programmes. The closed-list systems require less information about the candidate's personality, and usually the voters are denied such information.

Thus, the key negative aspect of closed lists is the fact that voters have no influence over the decision who shall represent the party of their choice. Furthermore, closed lists cannot accommodate changes of circumstances. We can find such an example in Germany, where only a couple of days prior to the 1990 elections it was discovered that a person had been a secret service collaborator during the communist rule.

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[6] The infamous Roman Emperor Caligula appointed his favorite horse Incitatus a consul. Today the term "Caligula's horse" or Incitatus is used to denote the phenomenon of appointment of incompetent individuals at specific functions.

Four days before the election day the party expelled that person, but the voters still had no choice and were forced to vote for the person so as to support the political party that had placed the person on its list.

4. Degrees of opening of candidate lists

There are several criteria that apply to the degree of openness of the electoral system to influence by voters. Those are, in particular: the manner of fixing the order of candidates on the ballot, the number of votes allocated to each voter, whether the voters are able to vote and express their preference only within one party list, or they can vote for candidates of different political parties, etc.

When it comes to the order of the candidates in the open lists, it may be defined by the political party, in which cases the favored candidates are placed on the top of the list. Another option that is applied in some countries is to list the candidates in an alphabetical order, so as not to influence the voters, i.e., to prevent the political party from expressing its preferences concerning the candidates.

In the countries that use the model of predetermined order of candidates on the list, the effect of the preferential voting is minimal, i.e., preference votes will make relatively little difference to the list order. The main reason for this is the fact that many preference votes are cast for the candidates at the top of the list, rather than those further down the order. Thus the voting reinforces, rather than upsets, the list order.[7]

Furthermore, the openness of the system also depends on the number of votes that voters have, i.e., the number of preferences they can express. For example, the voter can have as many votes as there are available seats, the voter can be allowed only one preference vote, the voter may cast a vote twice for a single candidate, and may also vote for candidates of several political parties (panachage). Hence, there are open list variants that give less power to the voters and their votes will make less of a difference.

The most opened system, or, in the words of Sartori, the full personalization of the vote in the proportional representation system, is guaranteed by the Single Transferable Vote – STV.[8] In the next part of the paper we shall dwell more on this type of voting, because I believe that it is fairly unknown to the wider public (the voters), and because it seen as a sort of a taboo by the party elites in the Republic of Macedonia, since it disrupts their "safety" to a great extent, as well as due to fact that it may contribute to the mitigation of the black and white picture on the political scene, and to overcoming the practice of voting "against", which is well established in our country.

STV is also known as the "Hare-Clark system" in Australia, and as "choice voting" in the USA. Ireland and Malta use to elect their Parliaments. In Australia it is used to elect the Federal Senate, as well as the legislatures in several states there. In this model, all candidates are listed on the same place on the ballot. Instead of voting for one person, or for one party list, the voters rank each candidate (of any party or of

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[7] *Election under regional lists*, (London: The Constitution Unite, School of Public Policy, 1998): 5-6.
[8] Giovanni Sartori, *Comparative Constitutional Engineering* (Skopje: Tabernakul, 2008), 20.

several parties) in the order of their choice. This system involves a process of transferring votes. Douglas J. Amy[9] uses the following analogy to explain how the system of transferable votes operates: Imagine a school where a class is trying to elect a committee. Any student who wishes to run stands at the front of the class and the other students vote for their favourite candidates by standing beside them. Students standing almost alone next to their candidate will soon discover that this person has no chance of being elected and move to another candidate of their choice to help him or her get elected. Some of the students standing next to a very popular candidate may realize that this person has more than enough support to win, and decide to go stand next to another student that they would also like to see on the committee. In the end, after all of this shuffling around, most students would be standing next to candidates that will be elected, which is the ultimate point of this process.

In the single transferable vote model, votes are transferred around just as the students moved from candidate to candidate in the analogy. For example, if there is a three-seat district in which six people are running for office, the first step in the process is to establish the threshold, i.e., the minimum number of votes necessary to win a seat.[10] In the allocation of the votes, first the threshold is set, and then the next step is to count how many times each candidate has been selected as the first choice. If the candidate reaches the threshold, he or she is declared elected. If the necessary number of candidates are not elected in this way, the candidates with the least chances to win are eliminated and their votes are transferred to the second choice candidate. If a candidate has more votes that those necessary to win, the surplus of votes are transferred to the second choice. There are several modes how to do this, but we shall not address them right now.

The transfer process is necessary to reduce the problem of wasted votes - votes that are cast but do not actually elect anyone. The transfer process in STV is designed to ensure that the fewest votes are wasted. In fact, there are two types of wasted votes: votes for candidates that stand little chance of winning, and votes in excess of what a winning candidate needs. Transferring these votes to their next ranked choice makes it more likely that they will actually contribute to the election of a candidate.

As Douglas J. Amy has written, the system is not so complicated as it appears to be at first. Voters need not understand all the mathematics of the system to use it effectively. Or, as Amy says, you don't have to understand how all the electronic components in your car radio work in order to use it to find the kind of music you like.[11]

However, it is a fact that this model of voting provides the voters with the greatest possibility to base their votes on the quality of the candidates, regardless of which political party nominated them

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[9] Douglas J. Amy, *Behind the Ballot Box: A Citizen's Guide to Voting Systems* (Praeger Publishing, 2000),
http://www.mtholyoke.edu/acad/polit/damy/OrderDesk/behind_the_ballot_box.htm.
[10] The quota is usually calculated by dividing the total number of votes plus one with the total number of seats plus one.
[11] Douglas J. Amy, *Behind the Ballot Box: A Citizen's Guide to Voting Systems* (Praeger Publishing, 2000),
http://www.mtholyoke.edu/acad/polit/damy/OrderDesk/behind_the_ballot_box.htm.

originally. This model "forces" political parties to raise the level of quality of their candidate lists, because the voters' choice is virtually "unlimited", i.e., they can chose from the total supply of lists, rather than from just one. Nevertheless, the weaknesses of open lists in general apply to this model, too.

5. Open candidate lists – intraparty relations – election strategy

All proportional systems involve competition among the party lists. However, if the lists are open, the candidates of one party, in addition to competing with candidates of other parties, also compete for votes among each other. Therefore, the open lists force the candidates to make efforts to improve their reputation in order to attract voters.

Hence, there is no doubt that open lists enhance the importance and the power of the voters, but the political parties fear that the open lists will force the candidates of the same party to compete against each other too openly. Candidates' dependence on preference votes increases their uncertainly and affects the way in which the election battle is fought. The greater the likelihood that a certain candidate will not get elected, the more preference votes he or she has to seek, and this makes the campaign more intense.

In the opposite case, when the list is closed there is no intraparty competition on the day of the elections (the competition takes place in the course of the making of the lists within the framework of the party). However, this does not mean that in the case of closed lists there are no personal initiatives for self-promotion and winning more votes for the party list.

In both open and closed list systems, the political parties and the candidates alike are representatives of the citizens, but with open lists, the candidates will have to present themselves personally and become recognizable, thus gaining an advantage before other candidates from other parties, as well as within their own party. So, the candidates in the open list systems are making efforts to present themselves personally, but also to present some of their own agendas and programme priorities. Open lists systems also increase the voters' need for information about the listed candidates, since it is up to them who will get elected. It is exactly for this reason that the voters are trying, during the campaign, to find candidates with characteristics that distinguish them from their competition, so that they may cast their vote for them.

Thus, in the case of closed lists, there is an interparty fighting for votes, while in the case of open lists, there is both interparty and intraparty competition for votes. In the intraparty competition, the candidates seek to find preference votes instead of relying on the party's reputation. When the candidate is not the only candidate of his\her party, he will have to emphasize his or her personal attributes so as to convince the party supporters to cast their votes for him/her, rather than for his or her fellow party members. Therefore, in open-list systems, the electoral competition takes also the form of intraparty competition and encourages politicians to seek votes not for the party but for themselves.

Open list systems also run the risk of political parties acting incoherently, because the politicians may compete with parochial

appeals to certain local interests in order to win the support of the electoral district where they have been nominated.

6.   Open lists and corruption

Political corruption is thought of as one of the biggest unresolved problems of most countries. The traditional view on corruption posits that the electoral competition increases the politicians' uncertainly regarding their prospects of winning reelection and thus reduces corruption. Furthermore, there are some authors who point out that the legislators elected in an open list system are more accountable and have a lesser propensity for corruption.[12]

Contrary to these claims, today the understanding that intraparty competition in fact promotes corruption prevails. The new theory posits that the electoral pressure induced by intraparty competition under open-list proportional representation systems might drive the individual legislators to resort to corruption, because it triggers candidates' needs for illegal resources to finance their campaigns.[13] Thus, today it is increasingly pointed out that open list systems drive the candidates to seek illegal campaign resources in order to survive the intra-party competition.[14] Such claims have their grounds in the fact that the more personal votes a candidate needs to secure victory, the more financial resources for campaigning he or she will need. Therefore, as the dependence on the personal vote rises in elections, candidates need more campaign resources to advertise their individual candidacies, and thus electoral systems in which personal reputation outweighs party reputation tend to be marked by more corruption.

The practice has shown that in Italy it was almost impossible to win elections without running costly personalized campaigns. The current theory also notes that the best way to generate personal votes is to deliver constituency services and personal favors. For example, it had been reported that one MP from Japan attended twenty-five to thirty funerals and about ten weddings a month in his constituency. MPs in Japan are also expected to provide a number of constituency services, such as helping supporters to find jobs and mediating disputes. Furthermore, candidates in Japan were driven to collect illegal campaign resources because voters' expectation of gifts and other personalized benefits from candidates substantially raised the financial demands of campaigning.[15] Japan and Italy introduced changes to their electoral

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[12] Jana Kunicova and Susan Rose-Akerman, *Electoral Rules as Constraints on Corruption* (Yale University, 2002). Quoted in Matthew Søberg Shugart, Melody Ellis Valdini and Kati Suominen, 'Looking for Locals: Voter Information Demands and Personal Vote-Earning Attributes of Legislators under Proportional Representation', *American Journal of Political Science*, vol. 49, No.2 (2005): 445.

[13] Eric C.C. Chang, 'Electoral Incentives for Political Corruption under Open-List Proportional Representation', *The Journal of Politics*, vol. 67, no.3 (2005): 716.

[14] Eric Chang and Miriam Golden, *Electoral Systems, District Magnitude and Corruption*, (University of California, 2004). Quoted in Matthew Søberg Shugart, Melody Ellis Valdini and Kati Suominen, 'Looking for Locals: Voter Information Demands and Personal Vote-Earning Attributes of Legislators under Proportional Representation', *American Journal of Political Science*, vol. 49, No.2, (2005): 445.

[15] Eric C.C. Chang, 'Electoral Incentives for Political Corruption under Open-List Proportional Representation', *The Journal of Politics*, vol. 67, no.3 (2005): 719.

systems in 1993-1994 due to corruption which arose from their preference vote electoral systems.

In addition to the corruption through providing or promising rewards, the open lists in Italy were used as a mechanism to mark the ballot and thus pressure the voters. The experience of Italy has shown that preferential voting was used to pressure the voters, who were provided with different combinations of ordinal numbers of the candidates for whom they were supposed to cast their votes. It was a form of pressuring the voters, who were convinced that by doing so they "mark" the ballot, which would be controlled later on by the party that provided them with the "code", that is "combination" or ordinal numbers of candidates that they should have entered in the ballot.

7. Open lists and voter satisfaction

Some researches point out to the relation between the electoral system applied and voter satisfaction. The connection between ballot structure characteristics of electoral systems and voter attitudes to democracy derives from at least three mechanisms:
- the voting act itself
- the relationship between politicians and their voters,
- the ideological tendency within the party political system.[16]

In terms of ballot structure, electoral systems can be differentiated in terms of the *nature* of the vote choice—party-based versus candidate-based votes—and also the *extent* of the vote choice—in terms of degrees of preferential voting, i.e., limitation to the party's offer.

The studies primarily point out that there is a positive relationship between the proportional electoral system and the degree of support by the citizens. Furthermore, some authors point out to a greater voter satisfaction with the possibility to use preferential voting.[17] Such satisfaction is a result of the greater freedom and the greater voter choice, as well as relatively lower dependency on the supply of political parties. Furthermore, the STV model provides the voters with the greatest choice and possibility to express their different preferences.

Open lists contribute to a greater voter satisfaction, not only due to the bigger choice they offer, but also because they create a more immediate relationship between the citizens and their representatives. In practice, open lists contribute to a greater accountability of MPs to their constituents, as well as to better understanding of voters' needs and interests.

8.   Open lists and the representation of women in politics

Modern democracies are characterized by the dominant determination for equality of women and men in political decision-making as a prerequisite for true democracy. The proportion of women

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[16] David M. Farrell and Ian Mcallister, 'Voter satisfaction and electoral system: Does preferential voting in candidate-centered systems make a difference?', *European Journal of Political Research*, 45 (2006): 725-726.

[17] David Farell and Ian McAllister, 'Voter Satisfaction and Electoral Systems: Does Preferential Voting in Candidate-Centered Systems Make a Difference?', *European Journal of Political Research*, 45 (2006): 725-726. .

in politics is particularly important and affects the democratic legitimacy and policy making. In principle, most people and Governments support the idea of gender balance in political life. However, achieving gender balance in politics is not an easy task, even when there is a political consensus about it. Therefore, there is a worldwide search for efficient methods to overcome male domination in the political system.

Considering the fact that the unfavourable position of women in the public sphere is a phenomenon that is a consequence of the so called "triangle of factors" – socio-cultural, institutional and political culture factors[18], changing the electoral system with a view to improve the representation of women in politics is a more realistic goal than changing the awareness about women's role in politics.[19]

There are four instruments that may be used to make the electoral system more beneficial to women:
- introduction of a proportional representation system,
- increasing the number of seats in the electoral district (higher district magnitude),
- use of gender quotas in the party nomination process, and
- enhanced implementation of gender quotas.

Quotas are the oldest and most widespread measures which, applying the method of conscious intervention in the societal process, encourage the representation of specific groups. Gender quotas are a popular tool designed to overcome under-representation of women in parliaments and local councils. The introduction of electoral quotas is a symbol of women's impatience today[20] and is often an efficient tool for increasing women's representation.[21] Quotas are efficient, but also controversial. The most efficient quotas are always the most controversial ones.

Quotas, by their nature, fall within the category of restrictive rules, i.e., rules that define how and under which criteria one may come to a certain governing position. Quotas are divided into several types according to different criteria.

There are party quotas, which are adopted voluntarily by the parties, without any underlying legal obligation to do so, and the party uses them to guarantee the nomination of a specific number or proportion of women. There are also legislative quotas, which are based on legal provisions which oblige the parties to nominate a certain number of candidates. Around 50 countries in the world have introduced provisions on gender quotas in their Constitutions or Electoral Codes

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Mršević Zorica, *Ka demokratskom društvu – sistem izbornih kvota*, (Beograd, 2007): 29.

[19] Rwanda and Sweden are the best examples for women's representation. Rwanda is a country which, by institutional changes, that is, by introducing reserved seats for women (2 women per electoral district), achieved the greatest representation of women in parliament - 56,3%. Thus, Rwanda holds the first place worldwide for women's representation in parliament. Sweden, which applies zipper quotas (men and women are placed alternately on the lists), has achieved the proportion of 47,3% women in parliament and is ranked second.

[20] The Scandinavian experience with women's participation in politics cannot be taken as a model today, since it developed for 80 years. Today, women do not want to wait that long, and thus quotas are applied as a mechanism to ensure their greater representation in politics.

[21] Drude Dhalerup, 'Quotas are changing the history of women', (paper for the conference "The Implementation of Quotas: African Experience", November, 11-13, 2003, Pretoria, South Africa).

(legislative quotas). In additional 50 odd countries some of the political parties are applying quotas voluntarily to the process of nomination of candidates on their candidate lists (party quotas).

According to their intensity, quotas fall within two categories - the so called minimum quotas that are met by including a certain proportion of women, i.e., critical mass of 30%, and maximum quotas – parity in the representation of men and women (equal representation).

According to the consequences of non-compliance, quotas may be divided into those who imply a reprehension, and those who imply sanctions. The sanctions for non-compliance of the legislative quotas may vary, in particular: rejection of the proposed list (Costa Rica, Spain, Slovenia, France – at local level); the seats that were supposed to filled by women remain vacant (Belgium), to financial penalty (France, at national level, Portugal).

In closed-list electoral system, in addition to the characteristics referred to above (compulsoriness, intensity and non-compliance sanctions), quotas also differ in accordance with women's placement on the list - whether there is a legal obligation to place women in winning sots on the list, or just to have them represented on the list, even if they are placed at its bottom with virtually no chances to get elected. The studies show that in the cases where there is no legal obligation to place women in winning slots, or where there is a lack of efficient mechanisms to implement the quotas, the percentage of seats won by women amounts to only a third of the quota requirement for the party lists.[22]

Since the goal of the quotas is to provide for representation of women in the Parliament, or in the local self-government councils, rather than merely their representation on the candidate lists, today, the countries that apply quotas also require the placement of women in winning slots on the lists.

Thus, quotas yield best results in the closed-list systems, because, even prior to the elections, the political parties know which are the winning slots, despite the fact that the voters decide the number of seats to be won by each party on the day of the elections.

The Venice Commission, in its Report on the Impact of Electoral Systems on Women's Representation in Politics of June 2009 pointed out that more favourable to women's representation in Parliaments are the electoral systems that are characterized by: PR list systems in large constituencies, with legal threshold, closed lists and a mandatory quota which provides not only for a high portion of female candidates, but also for strict rank-order rules, , and effective sanctions for non-compliance".[23]

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[22] Leslie A. Schwindt - Bayer, "Making Quotas Work: The Effect of Gender Quota Laws on the Election of Women", *Legislative Studies Quarterly*, XXXIV, 1, (February 2009): 21.

[23] In the Republic of Macedonia, the number of women in the Assembly and in the municipal councils increased following the introduction of gender quotas. In the municipal councils, in 2000, 8,4% councilors were women, in 2005 - 22,4%, while in 2009 - 27%. The number of women in the Assembly of RM increased from 17,5% to 28,3% in 2006 , i.e., 31,7% in 2008.

Implementing gender quotas in open-lists systems does not have that positive effect on women elected in Parliament as the effect in the closed-list systems.[24]

The less favourable results of women in open-list systems is owing to the fact that women usually have lesser access to campaign resources than men do, as well as to the existence of the old prejudices about the abilities and capacities of women as politicians. The impact of open-lists on women's representation vary depending on the party support provided to women candidates, but there is a prevailing view that open-lists are frequently detrimental to women's representation. It is even noted that there is a danger of using quotas in open-list systems, since the increase of the number of women candidates might reduce the number of women elected.

As opposed to these categorical views, some authors posit that one cannot present a strong argument whether preferential voting benefits or detriments women.[25] According to them, being a woman in an open list may have both advantages and disadvantages. The level at which women organize themselves and actively encourage the voters to cast their vote for women and to push out male candidates may bring surprisingly positive results in favour of women. This happened in Norway in the 1970 local elections. „Women's incursion" in politics came as a great surprise and women took pride in their capacity to use the advantages available within the electoral system. However, it lead to a counter reaction in the next elections by men, who thought that it is not fair for them to be pushed out of the list just because they are men. Since then, in all local elections in Norway, women had been winning a smaller number of seats than the one they could have won if there were no preferential voting.[26] Norway uses the zipper system, where every other candidate on the list is a woman, but voters tend to prefer men.

In the case of Peru, the open lists were not detrimental to women. Women activists in Peru ran a campaign that the voters should vote equally for men and women and had equal results with men.[27]

Yet, the example of Norway shows that, in the long run, turning the intra-party competition into a battle between women and men does not yield even results, much less women's victory. This is also indicated by the very term which is used to describe the 1970 episode - "women's raid"!

Thus, the open-lists systems seek to find additional mechanisms to provide for women's representation in Parliament. One of those mechanisms is the introduction of reserved seats for the "best losers", i.e., the open lists benefit from the combination of quotas and reserved seats for women.

This means reserving seats from the most successful women candidates who failed to get elected. This means that the more successful

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[24] Mark P. Jones and Patricio Navia, 'Assessing the Effectiveness of Gender Quotas in Open-List Proportional Representation Electoral Systems', *Social Science Quarterly*, Vol. 80, No.2 (1999): 352.

[25] Richard E. Matland, 'Enhancing Women`s Political Representation: Legislative Recruitment and Electoral Systems' in *Women in Parliament*, (IDEA, 2005): 105.

[26] Richard E. Matland, 'Enhancing Women`s Political Representation: Legislative Recruitment and Electoral Systems' in *Women in Parliament*, (IDEA, 2005): 99.

[27]Richard E. Matland, 'Enhancing Women`s Political Representation: Legislative Recruitment and Electoral Systems' in *Women in Parliament*, (IDEA, 2005): 105.

male candidates will not get the parliamentary or local council seats, and they will be allocated to women, although they have got less votes. Although this is an efficient way to provide for women's representation in Parliaments and local councils, it may still undermine women's status of MPs and local councilors and endanger their legitimacy.

9. Conclusion

The contemporary political and legal science reached a consensus on the significance of elections and electoral systems for the development of the political system, consolidation of democracy and the establishment and maintenance of democratic stability. The electoral system is an important segment of the political system, and its design has a crucial effect on the nature of the political system.

Elections into institutions are not carried out in vacuum. The process of development of legislative rules is invariably related to crucial questions, such as, "who gets what and how" by those legislative rules. Therefore, we have to face the truth that whenever rules are created, they express the interests of their creators.

Political parties are most often interested in introducing an electoral system that can maximize their vote. Hence, the choice of the solutions is most often determined by the party interests. In any system, the result of the interaction of different ideas, interests, strategies and emotions is complex, because all of them push and pull in different directions. When we contemplate changes of the electoral rules, we face this reality and the need for compromise.

When answering the question whether to adopt an open-list electoral system or a closed-list electoral system, one must bear in mind that no system has clear and distinct advantages over the other that would make the choice easy. Comparative studies indicate a trend of list opening, despite the fact that its effects still haven't been fully tested.

Preferential voting has a greater democratic value, as opposed to closed lists, which often put the voters in a situation where they are forced to vote for candidates of the Incitatus type. However, preferential voting also brings the danger of intraparty feuds, heated pre-election rhetoric, and, in a country with a low level of political culture and tolerance, turning the campaign into "war of each against all", in the style of Hobbes's idea of the state of nature. An additional problem, which may be solved, is the need for education of the public about voting under open lists. Within this contexts, one has to take into account the reality that the Republic of Macedonia still struggles with family and proxy voting, which involve predominantly abuse of women's rights as voters. On the other hand, opening the lists also has an inherent danger of the appearance of negative effects on women's representation in politics. It is, in fact, the greatest problem to be faced in the event of a decision to open the candidate lists.

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PROPORTIONAL ELECTORAL MODEL AND TYPES OF CANDIDATE LISTS
(Summary)

The proportional electoral model is frequently criticized because it contributes to "depersonalization" of voters' choice, i.e., the voters can vote for party lists, rather than for individual candidates, resulting in a loss of the immediate link between the Member of Parliament (or councilor in the case of local elections) and the voter. Open candidate lists are a means to overcome this weakness of the proportional electoral model.

Introduction of open candidate lists brings advantages, but it also has certain deficiencies. This paper points out to the strengths and weaknesses of the application of open candidate lists, as compared to closed candidate lists.   The paper also indicates how open candidate lists impact on the electoral strategy of political parties and candidates. Within this context, it notes the effects that open candidate lists have on intra-party competition, as well as on the cohesion of political parties. As one of the potential effects of open candidate lists, the paper also analyzes the issue of political corruption, i.e., the question whether open candidate lists present a systemic factor that drives politicians, as individuals, toward corruption; as well as the question whether open candidate lists provide an incentive and increase the likelihood of election of candidates who are financially more powerful, that is, are able to finance their self-promotion campaigns.

Within the framework of potential effects, the paper also addresses the issue of gender representation in the Parliament of RM and in municipal councils. In the light of the above, the paper indicates the possibilities and ways of providing for gender representation under open-list systems, i.e., the possibilities to achieve efficient gender quotas under open-list systems, as well as the effects that such mechanisms have on the legitimacy of the elected women candidates.