

## Chapter 2

### Overview of Electoral Systems

This Chapter aims to provide a brief conceptual understanding of major electoral or voting system, i.e. FPTP and PR, followed in countries around the world in all forms of democratic government with direct electoral system. The introduction is likely to be helpful in creating an understanding of the context of Electoral System.

The sole aim of electoral reform is to have a fair and free election so as to reflect the choices of the voters. Reform is a continuous process taking care of the experience of the difficulties in maintaining fairness in the electoral process and providing an 'even playing field' for all those who intent to participate in the democratic process. This is achieved by a set structure, laws and the efficiency of the implementing body i.e. EMB or Election Commission. The more free and independent is the EMB from political influence, the more effective is the institution and the structure of the entire system. It is this institution and its structure that assures a free and fair election.

However, notwithstanding whatever the meaning of 'fair and free election' it has to achieve minimum of international standard. But that may not be the case for all the time. It is difficult to compare the standard with European democracy. Where elections are guaranteed to be free and fair even small torsion is not acceptable. Booth capturing, use of money, ballot stuffing or even booth jamming are the alien words to these matured democracies but these are endemic in third world countries likes of Bangladesh. That is the prime reason why these countries' system abuse so talked about and harsh measures are taken in the form of election law and the regulations. Whatever may be the case in third world countries' elections are acceptable even with minor torsion as long as it is fairly conducted.

It is also pertinent that the role played by EMB in implementing these regulations has to be even handed. EMB must remain ferociously independent.

Therefore, the formulation of electoral reform is essential for two specific reasons, one, to minimise the torsion and strengthening EMB to conduct the election free of all ills and influence of the powerful. But the limitation is that it is not only EMB alone who is responsible for a free and fair election but also the duty of the government of the day to provide full support to implement the laws and conduct of an acceptable election as Election Commission has to depend mostly on the field staffs filled by the government. Be that as it may, consequently there are other actors along with prevailing factors to initiate and implement the reforms. It is through these reforms that pitfall of the system is removed. In that context, conceptually, electoral reform is the key to holding free and fair elections acceptable to the voters. Nevertheless, all these make the subject an empirical study.

#### Different Electoral System and Process

##### Electoral System in Presidential form of government

Prior to the discussion of Electoral System that is practiced in Bangladesh, it would be pertinent to understand the various electoral or voting systems that are in practice within the broad categories of 'democratic' countries. With in the democratic system there are different forms of government. Presidential and parliamentary forms are most acceptable form of governments in the democratic world. But electoral system in both forms may differ from country to country. One example is that of French and US electoral system. In the US the President is not elected merely by popular vote but by the 'electoral college' whereas in France the President is elected after two rounds of poll. The second round poll in France is held between two candidates securing highest and second highest vote polled in the first round to decide the winner.

##### Electoral System in Parliamentary form of government

On the other hand there are, in general, two dominant electoral

systems exist in parliamentary system. One among two is simple majority i.e. FPTP or simple plurality, the other is PR system. Most of the commonwealth countries including, Bangladesh, India and few other Afro-Asian countries practices single member constituency 'simple majority' system. On the contrary most of the European countries, including new democracies in Europe, practices PR system. Simple Plurality could be single ballot or double ballot plurality.

### **First Past The Post (FPTP) or Plurality System**

FPTP or single ballot plurality system are the most basics of the electoral system based on simple plurality in that a candidate wins polling highest number of votes of total vote cast in his constituency. In this system a candidate can win a seat even polling less than 50 percent of vote cast and could be as low as 20 percent among number of contestant. A candidate can win and represent entire constituency even if majority voters votes against him by voting other candidates. One can, in this system, defeat nearest opponent with the margin of 1 vote. For example in 2008 9<sup>th</sup> parliament election in constituency Shirajganj-5 the winning candidate returned with margin of 252 votes from his nearest rival and the contest was between two contesting candidates only. Double ballot plurality calls for second round of voting between top two candidates after first round and then the winner is decided on the simple majority.

### **Criticism of the plurality system**

One of the criticisms of the 'plurality system' is that it is 'winner takes it all' method in which at times majority voters are not represented. Countries with different ethnic groups or minority could mean that largest community group is always likely to win whereas different ethnic group combined together is the majority. Another criticism of the system is that polarity system does not allow the growth of multi-party representation rather develops almost two party systems where adversary politics take roots. In general with the growth of two parties coming strongly other parties are marginalised and in the process is wiped out. Many scholars opine that in this

system the entire representation develops around strong personality rather than ideology. Ideological parties mostly suffer from the system. This phenomenon is further substantiated by 'Duverger Laws' concern the influence of electoral system on number of parties. The first law of Duverger reads, "...the majority (plurality) single ballot system tends to party dualism" (Gorfman and Lijphart: 1986: 43-44). When the first law is analysed would rather be evident from Bangladeshi political scenario. Since liberation, it was one party and subsequently two parties emerged as the strongest. Since 1991 alternatively two parties formed government and in the process these two parties grew into such adversaries that one has been reversing measures introduced by the other.

### **Proportional Representative (PR) System**

PR, sometimes referred to as full representation, is a category of electoral formula aimed at securing a close match between the percentage of votes that groups of candidates (grouped by a certain measure) obtain in elections and the percentage of seats they receive.

### **Various models of PR**

There are different models of PR which achieve either a greater degree of proportionality or a greater degree of determinate outcome. Various model of PR that exist:

**Party-list PR**, in that the list is provided by the political party in accordance with their choice of candidate where the above-mentioned groups correspond directly with candidate lists as usually given by political parties. Within this model, depending on the policy it could be open list or close list.

Party list system of proportional representation is that each party lists their candidates according to that party's determination of priorities. It is closed list and voters vote for a list, not a candidate. Each party is allocated seats in proportion to the number of votes, using the ranking order on its list. In the same system an open list, voters may vote, depending on the model, for one person, or for two, or indicate their order of preference within the list. Many a

countries in Europe, Latin America and Africa including Israel uses this system for election.

Another kind of electoral system covered with the term PR is the single transferable vote (STV). This system do not depend on the existence of political parties and in that system the above-mentioned "measure of grouping" is entirely left up to the voters themselves.

Mixed PR system combines a proportional system and a single seat district system. The system tends to achieve some of the positive features of both of these. Mixed systems are often helpful in countries with large populations, with ethnic minorities and different geographic boundary since they balance the mechanisms of elections focusing on local or national issues. Many countries who have adopted this system are Bolivia, Germany, Lesotho, Mexico, Germany, New Zealand the Scottish Parliament and Welsh Assembly of UK. Close at home Nepal used the mixed system in 2008 for electing members of the constituent assembly.

Presently in most of the parliamentary democracy, a demand for Proportionate Representation (PR) system is growing for a simple reason that it allows multi-party representation which guarantees inclusion of divergent ideologies and representation of ethnic minorities. But most strong argument is that the system counts for each vote and voters have their representation to the maximum. It also prevents 'winner takes all' attitude and helps in the growth of multi-party.

Duverger in his second 'law' says, "... the second ballot [majority] system and Proportional Representation (PR) to multi-party-ism (Gorfman and Lijphart; 1986). However Duverger has been contested in this issue. Giovanni Sartorgi in his article '... the influence of Electoral Systems: 'Faulty Laws and Faulty Method?' tried to dismiss Duverger's notion of growth of 'multi-party-ism' in PR system of voting. However, since this study is not to analyze or to produce an anti-thesis of these laws therefore, this debate is not included in this study. Nevertheless, issue of a change in the voting system remains a hotly debated subject in the parliamentary democratic world that however does not exclude Bangladesh.

## Chapter 3

### Electoral System of Bangladesh

This Chapter aims to provide a brief introduction to the formation of BEC, its historical background and various issues and problems both structural and legal that it is faced with. This would then help the reader of greater understanding of the requirement of Electoral Reform that was taken in hand in 2007-08 as pre-condition to 9<sup>th</sup> Parliamentary election in 2008.

The Constitution of the People's Republic of Bangladesh lays down the composition and electoral system. In that Article 65 (2) provides, "Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for as long as the clause is effective, the members provided for in that clause; the members shall be designated as Member of Parliament". Clause (3) of the same article under Fourteenth Amendment, Act 2004 mentions reserved 45 seats for women for next ten years further amended in 2011 and raised to 50 seats.. It further says that women members "will be elected by the aforesaid members in accordance with law on the basis of procedure of proportional representation in the Parliament through single transferable vote". However, the clause does not restrict a woman to contest in the direct election.

Analysing Article 65(2) and (3) it would appear that parliament consists of three hundred fifty seats in which three hundred members are elected from single member constituencies on First Past The Post system (FPTP) on multi-party system and fifty seats on proportionate representation in an indirect election based on the number of party members in the Parliament. For the purpose of the direct election of single member constituencies the entire country is divided into three hundred constituencies based on the population.