VERSITA

Open Candidate Lists as an Opportunity to Personalize the Will of the Voters in the Republic of Macedonia

Doc. Dr. Jeton SHASIVARI

Assistant-Professor of Constitutional and Administrative Law
And Vice Dean of the Law Faculty-SEEU-Tetova
Email: j.shasivari@seeu.edu.mk

Abstract

This article introduces and presents a concrete and comparative analysis of electoral system of the Republic of Macedonia and the need of incorporation of the open candidate lists in parliamentary and local elections. In this direction, the article notes that the atmosphere in our country is positive, regardless of the fact that open lists would be a challenge for the domination of the leaders of political parties in the nomination process so far, and the evident political party rule of the state in our society as a pathological phenomenon of our political system, because this type of voting lists implies respected professionals, or in other words, individuals who will develop professional team, intellectual and logistic infrastructure for efficient and democratic functioning of the Parliament of the Republic of Macedonia and municipal councils. In this article, the author points out that open candidate lists would contribute to a greater satisfaction of voters, because they offer greater choice and create a closer relationship between citizens and their representatives. In real life, open candidate lists will contribute to greater

accountability of MP's to voters, as well as better understanding of the needs of voters and their interests and will improve the adequate representation of municipalities and City of Skopje on the legislative power, strengthening the geographical link between voters and MP's.

Key words: personalization of the vote, preferential voting, open and closed candidate lists, proportional and majority electoral models.

Abstrakt

Ky punim paraqet një analizë konkrete dhe të krahasuar të sistemit zgjedhor të Republikës së Maqedonisë si dhe të nevojës për inkorporimin e listave të hapura kandiduese në zgjedhjet parlamentare dhe lokale. Në këtë drejtim, punimi thekson se atmosfera në vendin tonë është pozitive, pavarësisht nga fakti se listat e hapura do të jenë një sfidë për dominimin e deritanishëm të liderëve të partive politike në procesin e kandidimit si dhe partikracinë në shoqërinë tonë si një dukuri patologjike të sistemit tonë politik, meqenëse ky lloj i votimit do të nxjerrë profesionistë të respektuar, përkatësisht individë që do të zhvillojnë ekipe profesionale, intelektuale si dhe një infrastrukturë logjistike për funksionimin efikas dhe demokratik të Kuvendit të RM-së si dhe të këshillave komunalë. Në këtë punim, autori vë në dukje se listat e hapura kandiduese do të sjellin një kënaqësi më të madhe të zgjedhësve, sepse ofrojnë një përzgjedhje më të madhe, duke krijuar një raport më të ngushtë midis qytetarëve dhe përfaqësuesve të tyre. Në jetën reale, listat e hapura kandiduese do të kontribuojnë në llogaridhënien më të madhe të deputetëve ndaj zgjedhësve si dhe të kuptuarit më të mirë të nevojave dhe interesave të zgjedhësve, duke përmirësuar përfaqësimin adekuat të komunave dhe të Qytetit të Shkupit në pushtetin ligjvënës si dhe fuqizimin e lidhjes gjeografike midis zgjedhësve dhe të zgjedhurve.

Fjalët kyçe: personalizimi i votës, votimi preferencial, listat kandiduese të hapura dhe të mbyllura, modelet zgjedhore proporcionale dhe të shumicës

Апстракт

Трудот претставува конкретна и споредбена анализа на изборниот систем на Република Македонија како и на потребата од воведување на

отворените кандидатски листи во парламентарните и локалните избори. Во оваа насока, трудот потенцира дека атмосферата во нашата земја е позитивна, без оглед на фактот што отворените листи ќе бидат предизвик за досегашната доминација на лидерите на политичките партии во процесот на кандидирање како и за партикрацијата како патолошка појава во нашиот политички систем, бидејќи ваквиот начин на гласање ќе произведува почитувани професио-налци, односно поединци кои ќе развиваат професионални и интелектуални екипи, како и логистичка инфраструктура за ефикасното и демократското функционирање на Собранието на РМ и на советите на општините. Во овој труд, авторот става до знаење дека отворените кандидатски листи ќе донесат поголемо задоволство кај избирачите бидејќи ќе обезбедат поголем избор, создавајќи поблизок однос меѓу граѓаните и нивните претставници. Во реалниот живот, отворените кандидатски листи ќе придонесат за поголемата одговорност на пратениците и подобро разбирање на потребите и интересите на избирачите како и подобрување на адекватната застапеност на општините и Градот Скопје во законодавната власт како и зајакнување на географската врска помеѓу избирачите и избраните.

Клучни зборови: персонализација на гласот, преференцијално гласање, отворените и затворените кандидатски листи, пропорционални и мнозински изборни модели

I. Introduction

The majority and the proportional electoral system, as the two main electoral models, are not "ideal" electoral models, since their advantages and disadvantages are emphasized both by the electoral theory and practice. Considering both the advantages and disadvantages of these models, and the fact that eventually, the genuine voters' will might not be fully expressed in a quality or quantity manner, it can be concluded that neither of these models can be regarded as absolutely a more democratic model, due to the fact that each model is backed by a quantities form of expressing the various interests of the citizens and the political subjects in a society. Such statement does not mean that the comments on the theoretical and practical advantages and disadvantages of both the majority and proportional electoral model will exist as long as the elections are the essential elements of the Representative Democracy. This occurs due to the existence of at least one legitimate political value in both models, that is, on one side, as a legitimate political value of the majority electoral model stands the establishment of stabile government through stabile parliamentary majority, and on the other side, the real manifestation of the political will of the electoral body can be pointed out as a legitimate value of the proportional model. Therefore, the practice of the European democracies itself, shows that the EU Member States choose one of the electoral models, taking into consideration their political and social needs, without excluding the combination of the two models in a unique model, i.e. Combined electoral model (Germany). The reason for this is the fact that neither of the before mentioned models has the capacity to meet all social requests, because the fulfilment of one request is related to the ignoring of the other one. Therefore, when designing a certain electoral model, each country should consider several factors, such as: historical and social tendencies, ethnical, political and social structure of the citizens, political culture and their tradition, as well as the established system of social and cultural values.

In this article I support the open candidate lists ?r preferential voting, where the voters' will comes before the will of the party leaders and those lists will preserve existing advantages of the proportional model dealing with fair representation of different ethnic and cultural groups, and from the other hand, will benefit from the advantages of the majority electoral model dealing with personalization of the will of the voters. Through the open lists, the voters will have the possibility to elect their own candidate, regardless of the order of the

candidates determined by the party leaders. I believe that this voting method will, on one hand, increase the elected candidate's responsibility towards the electoral body, and thus, the candidates will rely more upon the voters' support, rather than their party leaders, and on the other hand, the political parties themselves will nominate already proven candidates of great authority, which will contribute to the increased level of professionalism and responsibility both of the future member of the Parliament of RM and the municipal councils of local self-government. In the Republic of Macedonia, the nomination process is highly centralized and depends solely on the top leadership, thus greatly excluding the membership and party followers, which affects the self-promotion and creation of the party elites. Candidates on the party list are not elected, but they are proposed or nominated by the party leadership (usually just before the expiry of the deadline determined for submitting the party candidate lists). Although formally, the selection process begins at the base, and an improvement in this direction is expected by incorporating the open lists in the parliamentary and local elections.

In the Republic of Macedonia there is one very important factor which, in my opinion, goes to the advantage of the open candidate lists, respectively the expression of voters' will in the last local and presidential elections in 2009, where the voters manifested so-called "cross-voting", voting according their preferences. This means that the political awareness of the electorate is mature for open candidate lists, because they voted in accordance with their preferences on three, or four ballots in the City of Skopje, where they cross-voted for the President of the state, Mayor of the City of Skopje, City and municipal counsellors.

On the other hand, the democratic tradition and past experience from the parliamentary elections in the RM (where all models have been tried), i.e. the majority model in the first pluralist elections in 1990 and 1994, the combined election model in 1998, as well as the proportional model in 2002, 2006, and during the early elections in 2008 and 2011, point out the fact that the RM needs continuous public debates concerning the issue of the most advantageous election model which would best fit our background, as well as the political, ethnical, social culture and the normative values of our state system that the citizens have been trying to build.

In the case of closed candidate lists elections, as they are so far, it should be noted that a large number of the members of the Parliament feel thankful to the party leadership, and not to those who elected them. During the early years of the pluralistic democracy this meant strengthening the party discipline and respecting the hierarchy within the party (which could be justified), but, nowadays it started

developing negative trends (tendencies), such as: lack of accountability and faded relationship between the MP's and the voters; political parties become demotivated to respond to citizens' needs; inability to perform reforms inside the party; blind loyalty of the MP's to the party leadership; disproportionate representation of the municipalities and the City of Skopje in the legislative power, thus weakening the geographical connection between the elect and voters (there are cases of favoring candidates from the Capital and larger municipalities, or cases when a person living in one electoral district is nominated in a different electoral district); serious lack of democratic decisions within the frames of the main political parties, and cases when a leader of a party modifies or complements the entire nomination process within the party bodies are well-known; voters alienate from the election model because they cannot identify themselves with it, which means that voters do not feel as the ''owners'' of the election model, but the real ''owners' are the party leaders. Therefore, the inauguration of the open candidate lists is expected to mitigate these negative trends of the existing closed lists, and in particular, the main flaw of the proportional electoral model in the RM should be eliminated, which is voting for political parties, and not for the person on the candidate lists.

Specific and Comparative Analysis of Preferential Voting Options

In general, what Donald Horowitz said claiming that the proportional electoral model usually puts great power into the hands of the party leaders when deciding which candidates can have better position on the party lists, and consequently, better chances of being elected, can also apply to closed lists. Such power of the party leaders violates voter's sovereignty to elect a candidate, and not only choose among the candidates. Therefore, according to Horowitz, the best electoral model is the one which directly and precisely reflects the voters' will (Horowitz, D., 2003).

On the other hand, it should be noted that the political parties as nominating subjects have the dominant role, or as Maurice Duverger points out, the political parties choose the Members of the Parliament, and voters should only confirm this selection. It is the most noticeable in one-party systems, but the situation is also similar in multi-party systems, it is only less visible (Duverger, M., 1976).

Both in theory and in practice, apart from the issue of calculating the votes in mandates, it is very important whether the voter votes for list of candidates or

individual candidates. Voting for individual candidates is a characteristic of the majority model (systems where single representative is elected in one electoral district–uninominal systems), and on the other hand, voting for candidates party list is characteristic of the proportional model (systems where several representatives are elected in an electoral district–multi nominal systems). The key question is raised here: how to mitigate this flaw of the proportional model where the voting is for party lists, and how to personalize the electorate's votes, that is, how the proportional model can "borrow" the element of voting for the person, as a component and priority of the majority model. I believe the best way to achieve this is to open the party candidate lists, in accordance with the European and world trends. Giovanni Sartori argues that in the theory and practice of the elections, the phrase "Caligula's horse" (the Roman Emperor Caligula made his horse Incitatus a senator) shows that anybody, even the horse, can be elected, but it is more difficult to elect the "horse" when voting for an individual person than when voting for a party lists (Sartori, G., 2008). Today the term "Caligula's horse" is used to express the phenomenon of appointing of incompetent people at specific functions.

Open candidate lists are implemented in a substantial number of states, such as: Australia, Holland, Sweden, Japan, Austria, Belgium, Denmark, Norway, Switzerland, Greece, Iraq, Italy, Kosovo, Bosnia and Herzegovina, Finland, Latvia, Czech Republic, Luxembourg, Sri Lanka, Slovenia, Cyprus, Malta, Ireland, Nepal, Pakistan, Nauru Kiribati, Estonia, Brazil, Fiji, Slovakia, Panama, Peru, Uruguay, Columbia, etc., and in the other hand, the closed candidate lists are implemented in: Albania, Andorra, Argentina, South Africa, Bulgaria, Russia, Spain, Turkey, Poland, Romania, Sierra Leone, Serbia, Portugal, Paraguay, Costa Rica, Salvador, Honduras, Hong Kong, Nicaragua, Israel, Namibia, Indonesia, Iceland, Burkina Faso, Guyana, Mozambique, etc.

As seen, in the region, open candidate lists apply to: Kosovo, Slovenia, Greece, Cyprus and Bosnia and Herzegovina, however, more rigid form of closed candidate list has Serbia, where candidates do not win seats in the order listed, but the party leadership after the election, schedules who of them will be MP, even the political party is the "owner" of the parliamentary mandate, because according to the Serbian constitution, mandate of the MP is not a representative but partisan imperative mandate, namely the Constitution of Serbia states that, "under the terms stipulated by the Law, a deputy shall be free to irrevocably put his/her term of office at disposal to the political party upon which proposal he or she has been elected a deputy" (Constitution of the Republic of Serbia, Article 102, paragraph 2).

If we compare American, European, Asian and Australian literature about preferential voting we can see that there are different approaches and methods, which means that it is impossible to incorporate all the possible meanings of preferential voting because there are as many meanings as there are researchers working in this field. Therefore, generally the preferential electoral system is understood as any method or approach which offers voters the opportunity to express their preferences.

So for example, the main characteristic of the electoral model in Luxembourg consists of unlimited freedom for the voters to circle any of the alphabetically ordered candidates on the party list they prefer. Thus, the political parties are not allowed to rank their candidates, and the voters can vote in several ways: they can circle the entire list (meaning they vote for all candidates) or they can distribute their votes among the candidates in different lists. Then, based on the Hagen Bach-Bischoff quota, the number of votes on each list is divided per the number of seats plus one, and the list with higher electoral quotient is given the mandate. This procedure is repeated until there are free mandates. The originality of this model renders the Luxembourg electoral model great amount of immediate democracy, and it is unique not only in Europe, but in worldwide (Marinkovic, Tanasije, 2002).

On the other hand, the preferential voting model is emphasized with the Single Transferable Vote model, which is a variant of combined electoral model. It is called Single Transferable Vote because it is based on the principle of the elector voting for his/her most preferred candidate, but if this candidate does not win the sufficient number of votes, the vote is transferred to the next candidate, and so on. This model is applied in multi-candidate districts, where voters rank the candidates on the ballot paper according to their preferences, very similar to the alternative model. In many cases, writing down the preferences is optional and the voters are not requested to rank all candidates, but they can decide how many candidates to rank. The counting concerning the quota for the election of one candidate starts after the total first preferential votes have been counted. The voters are entitled to vote for as many candidates as there are on the ballot paper, but they are also entitled to vote for other candidates on party lists. Then, they order their preferences by 1, 2, 3, 4, etc. The candidate needs to win the minimum quota in order to be elected. If after the first count none of the candidates succeeded in winning the minimum number of votes, then the candidate with fewer votes is eliminated and these votes are transferred to the next candidate, and the process repeats until all seats are filled (Reynolds, Andrew; Reilly, Ben and Ellis, Andrew, 2005).

Ireland is the only EU state implementing the Single Transferable Vote system. The Irish Parliament is bicameral consisting of: Lower House (elected by citizens) and the Upper House (Senate with advisory role). Elections for the Lower House are held on the basis of a very special technique allowing the voters to cast their vote in various ways, that is, only to one candidate, to several candidates or to all candidates (known as alternative voting). According to the Irish electoral model, the candidates are alphabetically ranked, and the elector votes by placing a number in front of the preferred candidate. However, this electoral model has yet another characteristic, and that is the possibility to transfer the votes from the first to the second preference, and that is why it is also known as the Single Transferable Vote.

Both in theory and in practice, several advantages of this model can be pointed out: voters have the possibility to vote for different parties and for different candidates on the same party list, which means that this model personalizes the selection; and the level of democracy during the electoral process is increased, because candidates present their abilities, but are very cautious when they emphasize the inabilities of the other candidates if they want to win greater number of second preferential votes. This model is more advanced than the other ones in relation to the elimination of power of party elites to decide which of their candidates shall win. Also, apart from the fight among the candidates from different parties, this model initiates a fight among the candidates of the same party, and it increases the level of candidate's responsibility towards voters, and in this manner the voters can really influence their representatives. Flaws of this model are following: it provokes instability inside the party, increasing the number of fractions; voters consider it to be very complicated; instability inside the party is reflected on the instability of the government, and the fact that this model is applied in few countries implies that there are many unanswered questions raising from this model and waiting to be solved (Reynolds, Andrew; Reilly, Ben and Ellis, Andrew, 2005).

Preferential voting is applied in the US primary elections, where the candidate to be elected in the Senate or House of the Representatives should win both the party elections and majority of votes in general elections. This means that the key mechanism of the American electoral system is related to the primary elections where the party nominates its potential candidate for the elections for the Congress and the Senate. Primary elections are a type of elections where one of many candidates is elected for party nomination, and this mechanism is unique for the USA. The goal of such elections is to limit the private interests of the party machinery by limiting the party leadership power to decide on the candidates.

American electoral practice recognizes two types of primary elections: closed and open primary elections. Closed primaries (used in 43 federal states) imply participation only of those voters which are registered members of the political party, while open primaries (used in 7 federal states) does not require voters to be affiliated with a political party and he/she can vote for any candidate regardless of its political party, but this right is limited to voting for only one candidate from a political party. In both types of elections, the candidate with more votes is the winner. However, primaries do not satisfy the interests of the electoral system due to following reasons: large number of voters do not vote (the turnout of voters in primaries is 20%); these elections double the costs; voters are burdened with frequent elections, so, in the recent years there has been an initiative to reform the existing primary elections (Deren-Antoljak, Štefica, 1993).

New 2006 electoral model in Japan raises interest, according to which, 300 of the total number of 480 members of the House of Representatives were elected by majority electoral model in uninominal electoral districts, and 180 were elected by proportional electoral model by the Don't formula which allows double nomination in both models. 96 of the total of 242 members of the House of Counselors were elected by the proportional model with open party lists, where the voter marks the name of the preferred candidate or political party, and the winner is the candidate with the highest number of party list votes.

Finland also uses the proportional method of 15 electoral districts based on the Don't method. This model uses preferential voting where voters cast their vote for only one candidate, and not for the list, which means that Finnish voters circle the number in front of the candidate, but it also counts as a vote for the entire list of the circled candidate. The importance of such preferential voting can be seen when votes are turned into parliamentary mandates. This process goes through two phases: in the course of the first phase, despite voting for the preferred candidate, it is primarily determined how many votes won each list, and during the second phase, the mandates are allocated to the candidates of the same list according to the principle who won more votes is in lead. (Marinkovic, Tanasije, 2002).

The preferential voting is used in the alternative voting model (subtype of the absolute majority model) practiced in Australia and Fiji.

One of the characteristics of this model is that it offers more options (preferences) and hence the name, preferential voting, because voters, rather than circling one candidate, rank the candidates, marking the most preferred candidate with "1", "2" for their second preferred candidate, "3" for the third preferred

candidate, etc. Thus, this model allows voters to vote for more than one candidate. In case none of the candidates wins the majority of votes, then the candidate with fewer votes is eliminated from the count, and his/her ballot paper goes to the second preferential votes, and it proceeds until one of the candidates wins the absolute majority of the votes, and then this candidate is elected. Therefore, this model is a part of the absolute majority electoral models and the candidate should win the absolute majority, not only the majority to be elected.

Both in theory and in practice, several advantages of this model can be pointed out: geographic aspect which enables deeper relationship between the elected candidates and the electoral districts; positive effect on the establishment of the parliamentary majority; security that voters gain due to the fact that the candidates are elected by absolute majority; greater citizens influence on the electoral process. However, there are certain weaknesses, as well: this voting model assumes that every voter knows how to read and write and they know the basic mathematical operations; this model does not function well if applied in a larger electoral district and there is danger of a large number of void ballot papers (Reynolds, Andrew and Reilly, Ben, 2000).

The preferential voting can also be found in Belgium, which has a bicameral parliament: Council of Representatives (where 150 members are elected on direct elections) and the Senate (consisting of 71 senators, 40 of which are elected on direct elections, 21 are elected from the councils of the communities, and 10 of them are elected from the previous two categories). There are 20 electoral districts in Belgium, where the voters are entitled to their own personal vote they cast for the party list or the candidate. In case of tie result, the oldest member wins the seat.

Open list electoral system in Brazil is very competitive and that is why it is very difficult to maintain the seat of a Member of a Parliament for a long time. The connection between the MP and his/her electoral district changes, so we cannot talk about a successful strategy for successful candidacy. The area where the Brazilian model encourages the clientilism and individualism inside the Parliament is an issue worth discussing. Fragmentation of the Brazilian Parliament was not considered to be only a consequence of the open list electoral model, but a consequence of individual tendencies of the federalism, incorporated in the Constitution of 1988 (Reynolds, Andrew; Reilly, Ben and Ellis, Andrew, 2005).

In this regard, it should be noted the fact that the Constitution of Republic of Kosovo of 15 June 2008 is one of the few constitutions in the world that by

adjusting the structure of Kosovo Parliament determines that the MP's are elected by secret ballot based on open lists, which speaks about the importance that the Kosovar Constitution-Maker gives to the open candidate lists (Constitution of the Republic of Kosovo, Article 64).

As we noted, the preferential voting is used in Kosovo, where there is one electoral district with many candidates. The name of the political party and their candidates are written in their original form, as they come on the both certificate. The voter is given instructions on how to indicate his/her preferences most clearly. Names of candidates are written under the name of the party. Each certified political subject applies for open list elections, and voters are able to select up to five of their preferred candidates from a list of up to 110 of their party of choice. In the previous election model, voters casted their vote for one political party and for only one candidate. If voter circled more than one candidate, then only the vote for the political party was valid. The casted vote for the party is considered to be a vote for the first candidate of the same party candidate list. The received votes of open list candidates are counted separately. The candidate list is ranked on the basis of the received votes for each candidate. Seats given to the political subjects are allocated to the candidates on the ranked list, starting with the candidates with most votes, and so on until there are no more seats to allocate. If the updated list does not contain at least 30% representatives of the less represented gender, then, the last candidate of the dominant gender is replaced by a candidate of the less represented gender.

The following will present some basic issues of preferential voting by Jurij Toplak. According to him, when discussing preferential voting systems, it is important to consider the fact that depending on whether voters are forced to express their preference or not, we talk about obligatory preferential voting and optional preferential voting. In cases of obligatory voting, the voter is obligated to vote for the party list, and the preferred candidate, as well, as in Finland and Poland, and on the other hand, in cases of optional preferential voting, the voters are requested to vote only for the political party and the ballot paper is valid, while voting for the candidate is optional, as in Brazil and Austria, where the voters themselves determine whether to express their preferences regarding the candidates or not (Toplak, J., 2003).

Preferential systems allow negative voting, as well, as in Lithuania, where voters can write an x beside the names of candidates they do not prefer. Also, in Russia voters for Duma elections can vote negatively by circling the option: none of the aforementioned and 11% of the Russian voters uses this option (Toplak, J.,

2003). The example of Holland should also be mentioned, where voters, although they have a possibility to vote for any candidate, about 90% of them vote for the candidates on the top of the party lists, so preferential voting rarely affects the change of the order of the candidates on the list (Kasapovic, Mirjana, 2001).

It is worth mentioning the difference that brings Jurij Toplak between the systems allowing only one preference vote, and those systems allowing two or more such votes, as many as the number of candidates on the list (Luxembourg). On the other hand, the preferential voting systems differ depending on the fact whether there is two or only one ballot paper. Systems with two ballot papers, one for the political party and one for the candidates on the list are characteristic for the obligatory preferential voting, when voters have to vote both for the political party and the candidates. Preferential systems with only one ballot paper are characteristic of optional systems; where the voter first cast his/her vote for a political party, and then he/she can vote for the candidates on the party list (Toplak, J., 2003).

The power of the preferential voting to rank the candidates on the list according to Jurij Toplak is also a very significant issue. Namely, the political parties rank their candidates based on their preferences, although there are exceptions, for example Greece, where candidates are ranked alphabetically. In some systems, preferential voting is the sole factor that decides on the winners, and candidates with the highest number of preferential votes are elected. In other systems, candidates on the lower half of the list require relatively many preferential votes in order to affect the list order as ranked by the political party. For example, if the lower threshold is 10%, then at least 10% of the voters of a political party should vote to take into consideration their preferences. If this number is below 10%, then the primary party-ranked list remains unchanged. In this direction, on the local elections 1994 and 1998 in Slovenia, the candidate was supposed to win more than 50% of the preferential votes casted for his/her party list, and the voters were supposed to write the candidate's name on an empty ballot paper, which resulted in thousands of candidates not passing the threshold of over 50%. In other words, the candidate should have won 501 preferential votes of 1000 votes won for the party list, so the threshold was lowered to 10% of the total number of votes (Toplak, J., 2003).

The preferential voting threshold is regulated in various manners in different countries. By examples that brings Jurij Toplak, in certain countries, the threshold is not applied at all, because the candidates with most votes are elected, as is the case in: Italy, Luxembourg, Switzerland and Finland, but in Greece, party leaders

are favored. In certain countries, such as Sweden, Belgium, Holland, Slovenia, the threshold for the candidate list is the same as for the political party. The list threshold is the minimum number of casted votes for it, so that the preferential voting can be noticed. However, the candidate threshold is the minimum votes the candidate must win in order to be in front of the other candidates ranked higher on the party list. Candidate threshold usually depends on the magnitude (the number of candidates elected in a electoral district), for example, in Sweden where the candidate threshold in an electoral district of 5 representatives was 1/6 of the total number of casted votes for the list. In electoral districts of 10 representatives, the threshold was 1/11 of the total number of votes, but today in Sweden the threshold of 8% is applied, regardless of the size of the electoral district (Toplak, J., 2003).

Concluding Remarks

Having in mind the level of development of the electoral democracy, social context and the political culture in the Republic of Macedonia, I believe that the best place to start would be open list elections with one preferential vote in parliamentary and local elections for municipality councils, as well as the application of the optional preferential system (applied in Austria and Brazil) which means one ballot paper for both: political party and the preferred candidate. I do not share the opinion that a minimum threshold (quota) should be introduced either for the party list or the candidates, but those candidates who win the most preferential votes should be elected, as in: Italy, Luxembourg, Switzerland, Finland, Ireland, Japan and other. Names of candidates should be listed immediately under the name of the political party. Each list bearer should be on the open list where the voters cast their votes for one list bearer, and they can also vote for a candidate of the candidate list of the same political subject. If voter circled more than one candidate on the ballot paper, then only the vote for the political party is valid.

Considering the fact that almost always, party leaders are nominated on the first position of the list, I believe that, in order to prevent a manipulation of the preferential voting in the electoral districts where leaders of the political parties will be nominated, the previous transit Kosovo's solution for this issue should be incorporated, namely, the vote casted for the political subject should be considered as a vote for the first candidate on that political party candidate list, and the State Electoral Commission should define the ballot paper so that it does not allow the

voter to vote both for the political party and for the first candidate on the candidate list. On the other hand, all won votes of the open candidate list of the political subject should be counted separately, thus, the candidate lists would be ordered according to the number of votes each individual candidate has won. Furthermore, for the purpose of equal representation of women in the Parliament (as a possible negative effect of the open candidate lists), a solution needs to be found providing (such as Kosovo solution) for an appropriate representation (for example: 30%), and if after the allocation of mandates, there are no at least 30% women mandates, then the last man candidate should be replaced with the next in line woman-candidate, until the total number of women mandates is 30%, because this solution will maintain current gender representation in Parliament, respectively according to results of recent parliamentary elections of 5 June 2011, out of 123 MP's, 38 of them are women's or 30.9%.

In this regard, it is interesting that the best example in the world of women's representation in Parliament is Rwanda, with 56.3% women MP's in Parliament (by reserving the certain seats for women only), while in second place in the world is Andorra 50% women MP's, in the third place is Cuba with 45.2%, in the fourth place is Sweden with 44.7% women MP's in Parliament (where in candidate lists stand alongside the man and women-50%-50%) and in the fifth place is Seychelles with 43.8% women MP's in Parliament (The data compiled by Inter-Parliamentary Union. Based on this ranking RM is ranked in 26th place out of 190 countries).

On the other hand, open lists is expected to change the quality of parliamentary debate, which currently is "monologues mess" where each MP's decides not by conviction itself but, according to the conviction of party leader, even though according to our Constitution, Member of Parliament represents the citizens and decide according to his conviction. Otherwise, the Parliament is turning into a "private company" of the party leaders who play a role of the "board of directors" of the Parliament, and the MP's have become "administrators or buttons" of this board, and the legislature has remained without necessary parliamentarianism which plays the role of "oxygen" for Representative Democracy in our country.

This paper shows that a lot can be learned from the electoral experience of different countries, but the most important thing is to make our electoral model simple and comprehensible both for the politicians and for the voters, as Douglas Amy says, you don't have to understand how all the electronic components in your car radio works in order to use it to find the kind of music you like (Douglas Amy, 2000).

We should keep in mind that RM is in prolonged transition, so we still cannot discuss the final establishment of a permanent electoral model that will increase the maximum influence of voters in the electoral process, but it should be taken into consideration that voters' maximum impact on the list order, or ballot paper, can realistically result in a fragmentized parliamentary body that might lead to various political crisis, so maximum attention should be paid to adequately balance these two tendencies in the future electoral model.

References

1.   Amy, J., D?uglas, Behind the Ballot Box: A Citizen's Guide to Voting Systems (Praeger Publishing, 2000);

2.   Deren-Antoljak, Štefica, "Izborni sistem za izbor clanova Americkog Kongresa", Politicka misao, vol. 30, no. 3, Zagreb, 1993;

3.   Election System in Japan, Local Governance (Policy Making and Civil Society), F.Y. 2007;

4.   Farrell, David and Mcallister, Ian, "1902 and the Origin of Preferential Electoral Systems in Australia", Australian Journal of Politics and History, vol. 51, number 2, 2005;

5.   Farrell, David and Mcallister, Ian, "Voter satisfaction and electoral system: Does preferential voting in candidate-centered systems make a difference?", European Journal of Political Research, 45 (2006);

6.   Goati, Vladimir, Politicke partije i izbori u demokratskom poretku, CESID, Beograd, 2001;

7.   Horowitz, Donald, Electoral Systems and Their Goals: A Primer for Decision-Makers, Los Angeles, 2003;

8.   Hageman, Sara, Hix, Simon, Small Districts with Open Ballots: A New Electoral System for the European Parliament, 2008;

9.   Kasapovic, Mirjana, "Kandidacijski postupci u demokratskim politickim sustavima", Politicka misao, vol. 38, broj 4, 2001;

10.   Kasapovic, Mirjana, Izborni leksikon, Zagreb, 2003;

11.   Marinkovic, Tanasije, Izborni sistemi država Evropske Unije, CESID, Beograd, 2002;

12.   Maurice Duverger, Les parties politiques, Paris, 1976;

13.   Rainolds, Andrew dhe Relly Ben, Manual i IDEA (Institute for Democracy and Electoral Assistance) për hartimin e sistemeve elektorale, Prishtinë, 2000; (Përktheu: Suzana Çapriqi);

14.   Reynolds, Andrew, Reilly, Ben and Ellis, Andrew, Electoral System Design: The International IDEA Handbook, Stockholm, 2005;

15. Reformimi i sistemit zgjedhor në Kosovë (Punim diskutues i përpiluar nga Leon Malazogu dhe Ilir Dugolli)), Instituti Kosovar për kërkime dhe zhvillime të politikave, Prishtinë, Qershor, 2005;

16. Сартори, Џовани, Компаративен уставен инженеринг, Скопје, 2008;

17. Shasivari, Jeton, E drejta kushtetuese (Ligjërata të autorizuara), UEJL, Tetovë, 2010;

18. Toplak, Jurij, "Preferential vote and its use in Slovenia", Lex Localis 1 (2) 15-43, 2003;

19. The Open-List Electoral System in Brazil, Dados, vol. 3, Rio de Janeiro, 2007;