Delimitation Equity Project

Resource Guide

Lead Writer: Lisa Handley

Writers: Jeremy Grace, Peter Schrott, Horacio Boneo, Ron Johnston, Michael Maley, Alan McRobie, Charles Pattie, David Rossiter, Peter Watson

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CENTER FOR TRANSITIONAL and POST-CONFLICT GOVERNANCE

USAID FROM THE AMERICAN PEOPLE

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Part I

Introduction

Chapter 1

Towards Developing International Standards

Dr. Lisa Handley
December 2004

Towards Developing International Standards: A Comparative Study of Delimitation Practices

Dr. Lisa Handley • December 2004

Countries that delimit electoral districts must designate an entity to carry out this task and a set of rules for this body to follow when engaged in the delimitation process. The task assigned to the boundary authority is the same in all countries: divide the country into constituencies for the purpose of electing legislative representatives to office. The type of boundary authority established and the rules this authority is obliged to follow, however, vary markedly across countries. Few international standards have been proposed to guide the delimitation process. One reason for this lack of international standards has been the absence of any comprehensive comparative study of existing delimitation laws and practices.

Although many studies have been devoted to examining electoral systems – their nature, causes, and consequences – and at least one recent book, Establishing the Rules of the Game: Election Laws in Democracies,[1] offers an excellent comparative survey of other basic dimensions of electoral law (i.e., who has the right to vote and to be a candidate, who conducts the election and who counts the votes and resolves electoral conflicts), there has been no systematic, comparative study of constituency delimitation laws and practices conducted to date. This study attempts to rectify the deficit.

A Comparative Study of Delimitation Practices

Information on 87 countries (or territories) was assembled and summarized for this study. The material was collected through a variety of means: (1) the compilation of constitutional and election law provisions on constituency delimitation;[2] (2) information gathered during a series of election missions undertaken by the author on behalf of IFES and other organizations; and (3) three surveys conducted over the last few years:

1. A delimitation survey sent to election administrations around the world by IFES in the Fall of 2004,
2. The EPIC Project survey, which included a series of questions on delimitation practices,[3]

[1] Establishing the Rules of the Game: Election Laws in Democracies was written by Louis Massicotte, André Blais and Antoine Yoshinaka and published by The University of Toronto Press in 2004. Another very useful comparative study focusing on electoral management bodies, Electoral Management Bodies as Institutions of Governance, was written by Rafael López-Pintor and produced by the United Nations Development Program (UNDP) in 2000.

[2] The F. Clifton White Resource Center at IFES and the Administration and Cost of Elections (ACE) Project – a joint endeavor of IFES, the Institute for Democracy and Electoral Assistance (IDEA) and the United Nations, online at www.aceproject.org – are both excellent sources for electoral legislation.

[3] The EPIC Project is a joint endeavor of IFES, IDEA and UNDP. It can be found online at www.epicproject.org.

3. A comparative redistricting project that included a conference, a survey, and a series of case studies, funded in large part by the National Science Foundation.[4]

The information gathered has been summarized in three large Appendices, appended to this chapter. Appendix A lists the countries included in the study, as well as the type of electoral system in each country and whether electoral districts are delimited. Of the 87 countries surveyed, 60 reported delimiting electoral districts. These 60 countries are the focus of Appendices B and C.

Appendix B provides information on the "players" in the delimitation process, indicating: (1) the body responsible for drawing constituency boundaries; (2) the entity that has final authority over whether a proposed delimitation plan is implemented; and (3) what role, if any, the judiciary plays in the delimitation process. The appendix also includes information on what initiates a delimitation exercise – for example, does delimitation occur at set time intervals, or does some other mechanism trigger the process?

Appendix C presents information on the criteria employed by the boundary authority to delimit electoral districts: the criteria the boundary authority is obliged to take into account while delimiting electoral districts (for example, population equality, geographic factors, communities of interest); and, if population equality is a consideration, what population base is used and how much variation in population across constituencies is acceptable.

Countries that Delimit Electoral Districts

The 87 countries (or territories) for which information was collected in this study represent a broad geographic array: 21 of the countries are located in the Americas, 34 in Europe, 15 in Africa, two in the Middle East, 11 in Asia and four in Oceania (Australia/South Pacific Islands).

Of these 87 countries, 60 (69 percent of the total number of countries) reported delimiting electoral districts. The breakdown by region of the countries that delimit electoral districts is as follows:

Table 1.1: Percent of Countries That Delimit by Region

Region	Percent of Countries that Delimit Constituencies	Total Number of Countries
Americas	57%	21
Europe	62%	34
Africa	73%	15
Middle East	100%	2

[4] The Comparative Redistricting Project (which included a conference entitled "Redistricting from a Comparative Perspective" held December 7-9, 2001) was funded by grants from the National Science Foundation and the Center for the Study of Democracy at the University of California, Irvine.

Region	Percent of Countries that Delimit Constituencies	Total Number of Countries
Asia	91%	11
Oceania	100%	4
TOTAL	69%	87

The majority of countries in every region represented in our survey delimited electoral districts. Countries in the Americas were the least likely to have specifically delimited electoral districts: although every country in North America (Canada, Mexico and the United States) and most countries in the Caribbean delimit constituencies, very few in Central and South America do so. Countries in Oceania – Australia, New Zealand, and most of the South Pacific Island countries – are the most likely to have specifically delimited electoral districts.

Almost without exception,[5] the countries that do not specifically delimit districts are countries that have List Proportional Representation (List PR) electoral systems. Every other type of electoral system included in this study requires some delimitation of electoral districts: First Past the Post (FPTP) Systems, Two Round Systems (TRS), Alternative Vote (AV) and Block Vote (BV) Systems, and Parallel and Mixed Member Proportional (MMP) Systems. (The terminology used to depict electoral systems is based on *The International IDEA Handbook of Electoral System Design*. The Glossary found in Appendix B provides brief descriptions of each of these types of electoral systems.)

The table below displays all of the countries and their electoral systems included in our survey by region and by whether electoral districts are delimited or not:

Table 1.2: Electoral Systems and Delimitation Requirements by Region

Region	Electoral Districts Delimited	Electoral Districts NOT Delimited
Americas	Canada – FPTP	Chile – List PR
	Bahamas – FPTP	Costa Rica – List PR
	Barbados – FPTP	El Salvador – List PR
	Belize – FPTP	Guatemala – Parallel
	Dominica – FPTP	Honduras – List PR
	Dominican Republic – List PR	Nicaragua – List PR
	Jamaica – FPTP	Paraguay – List PR

[5] The only countries surveyed that do not have a List Proportional Representation electoral system and do not periodically delimit electoral districts are Georgia and Panama. Both of these countries have Parallel electoral systems. In Panama, *departements* are used as multimember constituencies for the election of 91 of the 113 members of parliament (MPs). Administrative units referred to as rayons serve as single-member constituencies for the election of a portion of the MPs in Georgia. (See the Georgia Action Plan, which is included in the Delimitation Equity Project toolkit, for more information on the use of rayons as single-member constituencies and the problems associated with this approach.)

Region	Electoral Districts Delimited	Electoral Districts NOT Delimited
	Mexico – FPTP Panama – FPTP St. Lucia – FPTP St. Vincent – FPTP USA – FPTP	Peru – List PR Uruguay – List PR
Europe	Albania – MMP Armenia – Parallel Belarus – TRS Belgium – List PR Bulgaria – List PR Croatia – List PR Czech Republic – TRS Finland – List PR France – TRS Germany – MMP Hungary – Parallel Iceland – List PR Ireland – STV Italy – Parallel Lithuania – Parallel Macedonia – List PR Poland – List PR Sweden – List PR Turkey – List PR Ukraine – Parallel United Kingdom – FPTP	Austria – List PR Bosnia & Herzegovina – List PR Denmark – List PR Georgia – Parallel Latvia – List PR Moldova – List PR Netherlands – List PR Norway – List PR Portugal – List PR Romania – List PR Slovakia – List PR Spain – List PR Switzerland – List PR
Africa	Botswana – FPTP Cameroon – Parallel Kenya – FPTP Lesotho – MMP Mauritius – BV Namibia – List PR Nigeria – FPTP	Burkina Faso – List PR Cape Verde – List PR Mozambique – List PR South Africa – List PR

Region	Electoral Districts Delimited	Electoral Districts NOT Delimited
	Seychelles – Parallel Tanzania – FPTP Uganda – FPTP Zimbabwe – FPTP	
Middle East	Palestinian Territories – BV Yemen – FPTP	
Asia	Bangladesh – FPTP India – FPTP Indonesia – List PR Japan – Parallel Korea – Parallel Kyrgyzstan – Parallel Malaysia – FPTP Nepal – FPTP Pakistan – FPTP Singapore – BV	Cambodia – List PR
Oceania	Australia – AV Fiji – AV New Zealand – MMP Papua New Guinea – AV	

As a review of this table reveals, although almost all countries that do not delimit constituencies are List PR countries, not all List PR electoral systems decline to delimit electoral districts. In fact, there are several List PR countries (predominately located in Europe) that have specifically delimited electoral districts. However, the boundaries of these electoral districts rarely, if ever, change. For example, Belgium, Bulgaria, Croatia, Finland, Poland and Sweden all have specifically defined electoral districts that are not the precise equivalent of pre-existing administrative boundaries (such as provincial boundaries). The electoral districts in these countries are usually described in the electoral law (or the constitution) and are unlikely to be redefined in the near future, although the number of seats assigned to each electoral district *is* likely to change overtime as the population shifts.[6]

[6] Electoral districts may return one member (*single-member district*) or more than one member (*multimember district*) to legislative office. The boundaries of multimember districts do not have to be redrawn periodically if the number of seats assigned to them can fluctuate as the population shifts.

Entities with a Role in the Delimitation Process

Designation of a Boundary Authority

During the nineteenth century, in Europe and in self-governing European colonies around the world, the drawing of constituency boundaries was the responsibility of the legislature. Partisan politics and gerrymandering were more often than not a normal element of the delimitation process.[7] But in most consolidated democracies, the idea that politicians are best excluded from the delimitation process has emerged, and legislators have opted out, handing the process over to independent commissions.

Today, a substantial majority of countries employ an election commission or a specifically designated boundary commission to delimit constituency boundaries. Of the 60 countries in our survey that delimit electoral districts, 43 (73 percent) assign the responsibility for constituency delimitation to an election management body or to a boundary commission specially formed for the purpose of constituency delimitation.

Boundary Commissions

Britain probably pioneered the commission approach to electoral district delimitation several generations ago, although it may no longer provide the best (or at least the most efficient) example of redistribution by an independent boundary commission.[8] Most of the major democracies once ruled by the United Kingdom have followed suit and adopted boundary (or delimitation) commissions: Australia, New Zealand, and Canada, as well as many of the Caribbean countries (i.e., Bahamas, Barbados, St. Lucia and St. Vincent and the Grenadines). Several Anglophone African countries (i.e., Botswana, Namibia and Zimbabwe) have also adopted boundary commissions for delimiting constituencies. In total, 22 of the 60 countries that delimit constituencies assign the task to a commission specifically established for that purpose.

Composition of Boundary Commissions Boundary commissions tend to be relatively small in size, ranging from three to seven or nine members. Canada, for example, has three-member commissions, the United Kingdom has four-member commissions, and a number of Caribbean countries have five-member commissions (e.g., Bahamas, Barbados). New Zealand and Germany each have seven-member commissions; Albania has a nine-member commission.

The commissions often include non-partisan (non-political) public officials with backgrounds in election administration, geography, and statistics. In Australia, New Zealand, and the United Kingdom, for example, the commissions incorporate electoral officers or registrar-generals, as well as the Director of Ordnance Survey (United Kingdom) and the Surveyor-General (Australia and New Zealand). Statisticians have an important role on Australian commissions because population projections are used to draw electoral district boundaries. In Canada, academics knowledgeable about elections and/or geography may be asked to serve on boundary commissions.

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[7] *Gerrymandering* refers to the practice of drawing of electoral district boundaries to deliberately favor one political party or special interest group over others.

[8] Other terms used for delimitation of electoral districts include *redistribution* (the United Kingdom and some Commonwealth countries) and *redistricting* (the United States).

Members of the judiciary are also well represented on districting commissions in many countries. They often chair the commissions, as in Canada and New Zealand. In the United Kingdom, senior judges serve as Deputy Chairs of the four Boundary Commissions in England, Scotland, Wales, and Northern Ireland. In India, two of the three members of the Delimitation Commission are required to be judges.

India: Composition of Delimitation Commission

[T]he Delimitation Commission…shall consist of three members as follows:
(a) two members, each of who shall be a person who is or has been a Judge of the Supreme Court or a High Court, to be appointed by the Central government; and
(b) the Chief Election Commissioner, ex officio.

The Delimitation Act of India, 1972

Many countries with boundary commissions exclude anyone with political connections from serving on the commission. On the other hand, some countries specifically include representatives of the major political parties on the commission. For example, in New Zealand, two "political" appointees, one representing the governing party and one the opposition parties, serve on the seven-member Representation Commission. The theory behind their presence on the commission is that it helps ensure that any political bias in a proposed delimitation plan is recognized and rectified. However, because the two political appointees constitute a minority of the commission, they cannot outvote the non-political commissioners. Other countries that incorporate political party representatives on the boundary commission include Albania, Bahamas, Barbados, Fiji, Papua New Guinea, and St. Vincent.

Albania: Composition of the Boundary Commission

The Electoral Zone Boundary Commission is composed of nine members: the CEC [Central Election Commission] secretary, who carries out the functions of the Commission Chairman, the Director of the Civil Status Office in the Ministry of Local Government and Decentralisation, the Director of the Centre for Geographical Studies, the Director of the Statistical Institute, the Chief Registrar of the Immovable Property Office, and four members, two of who are appointed on the proposal of the main ruling party and two on the proposal of the main parliamentary opposition party. The members proposed by the parties collectively should have knowledge especially in the fields of statistics, geography, sociology and organization at the local level.

Electoral Code of the Republic of Albania, 2003

Botswana is one of the countries that specifically excludes any person with political connections from serving on the boundary commission. Other examples include Australia, Canada, India, and Mauritius.

Botswana: Composition of the Boundary Commission must be Non-Partisan

4. No person shall be qualified to be appointed as Chairman or member of a Delimitation Commission who –
(a) is a Member of the National Assembly;
(b) is or has been within the preceding five years actively engaged in politics; or
(c) is a public officer.

5. A person shall be deemed to be actively engaged in politics or to have been so engaged during the relevant time period if –
(a) he is, or was at any time during that period, a Member of the National Assembly;
(b) he is, or was at any time during that period, nominated as a candidate for election to the National Assembly; or
(c) he is, or was at any time during that period, the holder of an office in any political organization that sponsors or supports, or has at any time sponsored or supported, a candidate for election as a Member of the National Assembly.

Constitution of Botswana, 1997, Article 64, Sections 4 and 5

Election Management Bodies

Another, equally common, approach to delimiting constituencies is the use of the election commission. Delimitation is the responsibility of the election commission in 21 of the 60 countries (35 percent) in our survey which delimit electoral districts. In some of these countries, the election commission is quite independent of the executive and the legislature (Lithuania, Mexico, and Poland, for example), but in other countries this is less true (e.g., Kenya, Nigeria, Tanzania).

Legislature

Although many countries have delegated the task of delimitation to an authority other than the obviously self-interested legislature, in some countries the legislature has retained this responsibility. In our survey, 14 of the 60 (23 percent) countries indicated that the legislature delimits electoral constituencies.

However, six of the countries in which the legislature is responsible for delimitation are countries with List Proportional Representation (List PR) electoral systems. The legislatures in these countries (Belgium, Bulgaria, Croatia, Finland, Iceland, and Sweden) originally defined a set of electoral district boundaries (often multimember districts) in the constitution or electoral law, and these constituencies have remained in place for subsequent elections – although the number of seats assigned to the multimember constituencies vary over time depending on the population size.

A second set of countries in which the legislature plays a role in the delimitation process are countries with mixed electoral systems like Italy, Korea, Kyrgyzstan, and Panama. The boundaries of the constituencies in these countries are of less political consequence than in those with a First Past the Post electoral system because a separate set of legislative seats are filled via proportional representation. Elections in mixed systems usually produce outcomes that are far more proportional than FPTP systems.

The United States and France are the only two surveyed countries dependent solely on single-member constituencies for the election of legislators (the United States has a First Past the Post electoral system, and France has a Two Round System) that allow the legislature a dominant role in the delimitation process

The consequence of this approach, at least in the United States, is that partisan politics plays a very large role – and often quite explicit role – in the redistricting process. For example, on several occasions when a redistricting plan was challenged in court on the grounds that the plan constituted a racial gerrymandering, defendants claimed that politics, and not race, was the motivating factor behind the plan; hence, the plan was neither illegal nor unconstitutional.[9]

Authority for Choosing the Final Districting Plan

In the nineteenth century in nearly every country that delimited districts, legislative approval was required before a redistricting plan could be implemented. Recent reforms designed to remove "politics" from the redistricting process have revoked the power of legislatures to approve redistricting plans in a number of countries.

In the majority of countries that assign election management bodies the task of delimiting constituencies, the election commission serves as the final authority (this is the case for 16 of the 21 countries); the approval of the legislature or executive is not required to implement the delimitation plan. This is less true of boundary commissions; more often than not, a constituency plan proposed by a boundary commission must be enacted by the legislature (or signed by the executive) before it can be implemented.

In our survey, in eight of the 22 countries that use boundary commissions to delimit constituencies, the boundary commissions serve as the final authority. In New Zealand, for example, the final plan of the Representation Committee, once published, cannot be changed or appealed. Since 1983, Australia's augmented Electoral Commission has had the same power. The constituency boundaries created by the Delimitation Commission in India are also final.

In total, slightly over 50 percent of our surveyed countries reported that the legislature served as the final authority. This figure, however, includes the six European countries noted above that have a List PR electoral system and pre-defined electoral districts that rarely – if ever – change boundaries. It also includes a number of countries in which the delimitation act is simply passed *pro forma* by the legislature. In the United Kingdom, for example, the final proposals of the four Boundary Commissions (England, Scotland, Wales, and Northern Ireland) take effect only after an affirmative vote by Parliament. But Parliament's power to accept or reject a plan is a formality. It has almost always affirmed Commission proposals; to do otherwise would be viewed as "political."[10]

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[9] For example, in the Texas congressional redistricting case that followed the 1990s round of redistricting, Bush v. Vera, defendants argued that the congressional district boundaries were irregularly shaped for partisan reasons (i.e., to help the Democratic Party) rather than for any racial reasons (i.e., to assist minority voters).

[10] The only two exceptions were in 1948, when Parliament proposed the addition of 17 seats for under-represented urban areas, and in 1969, when Parliament delayed the implementation of a redistribution plan on the grounds that impending changes to local government boundaries would render the plan obsolete. Conservatives viewed both of these actions by the Labour government as political.

Several countries have provisions requiring the legislature to either accept or reject the proposed delimitation plan, but do not grant it the authority to modify the plan. Examples of this approach include Malaysia, Mauritius, and Papua New Guinea.

Mauritius: Limited Legislative Role

39. (4) The Assembly may, by resolution, approve or reject the recommendations of the Electoral Boundaries Commission but may not vary them; and, if so approved, the recommendations shall have effect as from the next dissolution of Parliament.

Mauritius Constitution, 1981

Some countries (for example, Cameroon and Zimbabwe) require executive approval, rather than legislative approval, to implement a delimitation proposal. While this approach removes the final decision from legislators – those most directly affected by the delimitation plan – it still leaves the process open to charges of political influence.

Role of the Court in the Delimitation Process

It appears that the courts have no role at all in the delimitation process in the majority of countries included in our survey.[11] In fact, in some countries, such as Pakistan and Tanzania, there is a specific bar against court involvement in the delimitation process.

Pakistan: Role of the Courts

Bar of jurisdiction. The validity of the delimitation of any constituency, or of any proceedings taken or anything done by or under the authority of the Commission, under this Act shall not be called in question in any court.

Pakistan, The Delimitation of Constituencies Act, 1974 (1990)

Fifteen countries in this study indicated that the court has some function in the delimitation process, although perhaps only in a very limited capacity. These countries are Australia, Canada, Czech Republic, Fiji, France, Indonesia, Ireland, Japan, Lithuania, Mexico, New Zealand, Nigeria, Uganda, United Kingdom, and the United States.

Delimitation plans can be challenged, and have been to a limited degree, in the courts in Nigeria and Uganda and other Anglophone African countries. In Fiji, judicial review is permitted, but no one has challenged a delimitation plan to date. The only court challenge to a delimitation plan filed to date in the United Kingdom was unsuccessful, and this appears to have discouraged subsequent litigation on the issue of fairness of a delimitation plan or the delimitation process in the United Kingdom.[12]

[11] Information on what role, if any, the judiciary might play in the delimitation process proved rather difficult to obtain. In many cases, the electoral law was silent on this subject, but it cannot be assumed from this that delimitation acts are not subject to judicial review.

[12] In 1982, the Labour Party brought suit against the English Boundary Commission, challenging the Commission's newly completed redistribution plan. The Labour Party argued that the Commission had

The Canadian courts have only recently ventured into consideration of delimitation acts; the first challenge to a federal electoral district plan was filed in Canada in 1987.[13] The case, *Dixon v. Attorney General of British Columbia,* decided in 1989, involved a challenge to British Columbia's provincial electoral map.[14] Challenges to provincial maps in Saskatchewan, Alberta, and Prince Edward Island followed. To date, the only delimitation issue the Canadian courts have been asked to address is that of population equality, but this could change, of course.

The major exception to limited judicial involvement is the United States, where the courts have decided hundreds of cases brought against congressional and state legislative districting plans. American courts entered the "political thicket" of redistricting (as delimitation is referred to in the US) in 1962 when the United States Supreme Court ruled, in *Baker v. Carr,* that voters could challenge redistricting plans.[15] Since the *Baker* decision, the courts have become active participants in the redistricting process to an extent unparalleled anywhere else. The courts have even established many of the rules that govern the redistricting process in the United States, including rules on equal population, minority voting rights, and political and racial "gerrymandering." In addition, the courts are frequently called upon to draw electoral district boundaries when a legislature is unable to agree on a redistricting plan or produce a plan that satisfies legal/constitutional requirements.

given too much weight to "natural communities" and county boundaries in the plan and too little weight to ensuring equal electorates. (There were, in fact, large disparities in population across constituencies. For example, both the Isle of Wight and the London suburb of Surbiton were designated as single seats, but the Isle of Wight had an electorate of 95,000 and Surbiton had only 48,000 electors.) The court, however, in its decision in *R. v. Boundary Commission for England ex parte Foot*, found no evidence that the Commission had failed to undertake its statutory obligation to ensure equality of numbers. The court held that the Boundary Commission necessarily enjoyed a considerable degree of flexibility in interpreting redistribution rules. Furthermore, the court indicated a reluctance to interfere in a sphere that was clearly within Parliament's jurisdiction. The court in Britain has not been asked to consider the fairness of a redistribution plan since this 1983 decision.

[13] It was only recently that Canadian voters could request that the courts consider the fairness of an electoral boundaries plan: Prior to the passage of the *Canadian Charter of Rights and Freedoms* in 1982, opponents of a delimitation plan had no recourse in the courts. The Charter provided the first constitutional mechanism for challenging electoral boundaries and the legislation under which commissions carry out their mandates.

[14] The B.C. Supreme Court in *Dixon v. Attorney General of British Columbia* found that the province's electoral districts (varying in population from 5,511 to 68,347) violated the right to vote guaranteed by Section 3 of the *Charter* and ruled that a new set of districts with more equitable populations had to be promulgated.

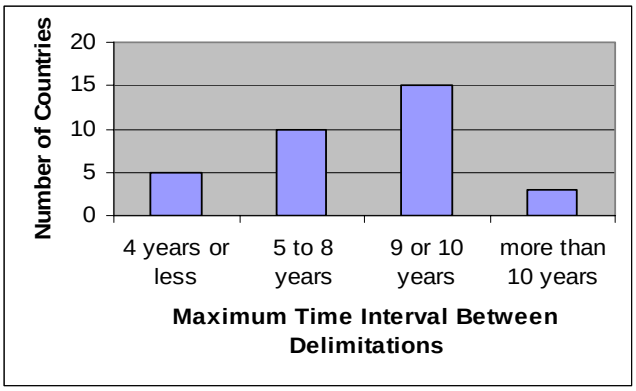
[15] Prior to this decision, the US courts had refused to become involved in the delimitation process, maintaining that redistricting was a political process, and any issues emerging from the process were therefore political questions, best resolved by legislatures.

Delimitation Prompts

The majority (57 percent) of countries in our study that delimit electoral districts have established some mandatory time interval within which delimitation must occur. Although there is no standard time period, the range of intervals for delimitation is not particularly large. The Seychelles requires the delimitation of new constituency boundaries as often as every three years if necessary. On the other hand, France requires the delimitation of electoral districts only every 12 to 14 years.

The following chart illustrates the number of countries that have instituted set time intervals and what the prescribed time period is:

Figure 1.1 Set Time Intervals



The most popular choice for periodic delimitation appears to be ten years: Botswana, Canada, India, Japan, Kenya Lesotho, Malaysia, Mauritius, Mexico, Nepal, Nigeria, Pakistan, Papua New Guinea, Tanzania, the United States, and Yemen all have electoral laws or constitutional provisions requiring delimitation at least every ten years (in the case of Botswana, the requirement is every five to ten years; in Kenya, the law dictates that delimitation occur every eight to ten years).

Kenya: Delimitation Prompts

At intervals of not less than eight and not more than ten years, and whenever directed by Act of Parliament, the Commission shall review the number, the boundaries and the names of the constituencies into which Kenya is divided, and may, by order, alter the number, the boundaries, or the names, subject to and in accordance with this section, to the extent that it considers desirable in the light of the review.

Kenya Constitution, 1992, Section 42 (4)

Albania, Bahamas, Fiji, New Zealand, Turkey, and Zimbabwe redraw their electoral districts every five years. Australia delimits at least every seven years.[16] Ireland is

[16] There are three situations that can trigger a redistribution in Australia: (1) when seven years have elapsed since the State or Territory was last redistributed; (2) when there is a change in the number of members of the House of Representatives to be chosen from the State or Territory, as determined approximately two

required to delimit multimember constituencies for their Single Transferable Vote System every 12 years; the United Kingdom also permits up to twelve years to lapse before undertaking another delimitation exercise.

Of course, the establishment of a mandatory time interval does not necessarily mean that redistricting will occur. After delimiting constituencies in 1973, India placed a moratorium on delimitation until after the year 2000, despite a legal provision requiring redistricting after every decennial census.[17]

No specific time interval has been established in 20 of the 60 countries. Common triggers for delimitation other than a specified time period include: following a national census, a change in the number of seats apportioned to an area, changes in administrative boundaries, and reaching a prescribed level of malapportionment.[18] For example, in Macedonia, the degree of malapportionment cannot exceed three percent; if it does, delimitation must occur. In the Czech Republic, the prescribed level of malapportionment prompting a delimitation exercise is 15 percent; in Germany, the trigger is 25 percent.

A number of countries have established more than one delimitation trigger. Both Australia (see footnote number 15) and St. Vincent are examples of countries that list several possible delimitation triggers in their electoral laws or constitutions.

St. Vincent: Delimitation Prompts

A Commission shall be appointed in the following circumstances, that is:
(a) whenever a census of the population of St. Vincent has been held in pursuance of any law;
(b) whenever Parliament has … alter[ed] the number of the constituencies into which St. Vincent is divided; or,
(c) on the expiry of eight years after the Commission last reviewed the boundaries of the constituencies in accordance with the provisions of this section.

St. Vincent Constitution, 1979, Section 33 (3)

Criteria for Delimiting Districts

Countries that engage in the periodic delimitation of electoral constituencies usually institute a set of formal rules, or criteria, for their boundary authorities to consider when drawing electoral districts. These rules are often listed in the constitution or electoral law – although the "rules" may simply be the result of common practice, or, in the case of the United States, the rules may have evolved through court precedence.

The rules almost always specify that constituencies be as equal in population as possible, taking into account a variety of other factors. Administrative and natural

years before each general election; and (3) when a prescribed level of malapportionment is reached and sustained. To date, no redistributions have been triggered by malapportionment.

[17] A political agreement reached in 1976 suspended delimitation in India until the turn of the century.

[18] *Malapportionment* refers to electoral districts that contain large disparities in populations relative to the population quota, or average population size per electoral district.

boundaries, as well as other geographic features, are generally listed as factors to be taken into account.[19] Consideration for the means of communication and ease of travel, and respect for communities of interest, are other commonly identified criteria.[20]

Equal Population

The most widely accepted rule for delimiting electoral districts is that constituencies should be relatively equal in population. All 60 countries in our survey that delimited districts indicated that population equality was a criterion considered, and most indicated that it was the single most important delimitation requirement (or one of several of the most important).

The degree to which countries require population "equality" and the population figure (for example, total population, citizen population, registered voters) that is used to determine equality differs across countries. A majority (53 percent) of the countries surveyed indicated that "total population" was the population base used for determining equality across constituencies. Another 34 percent reported registered voters as the population base. Six countries (almost all European) stated that citizen population was the relevant base for determining population equality. The voting age population was mentioned as the base by one country (Lesotho), and the number of voters in the previous election by another country (Belarus).

The degree to which countries demand population equality also varies. Close to 75 percent of the countries surveyed reported no specific limit regarding the extent to which constituencies are permitted to deviate from the population quota.[21] Those that did report a tolerance limit indicated a range from "virtually no deviation allowed" (the United States) to as high as a 30 percent tolerance limit (Singapore).

The United States is unique in its adherence to the doctrine of equal population. No other country requires deviations as minimal as the "one person, one vote" standard that has been imposed by U.S. courts since the early 1960s. In the 1983 court case *Karcher v. Daggett*, the U.S. Supreme Court held that there is no point at which population deviations in a congressional redistricting plan can be considered inconsequential: "[t]here are no *de minimus* variations which could practically be avoided but which nonetheless meet the standard of Article I, Section 2 [of the U.S. Constitution] without justification."[22] The Court went on to reject a New Jersey congressional redistricting plan that had a total population deviation of only 0.7 percent. Following this decision, most states interpreted *Karcher* as requiring the adoption of congressional redistricting plans with exact mathematical population equality or, at minimum, with the lowest possible population deviation. Although the courts later upheld the legality of some redistricting

[19] Geographic criteria of one kind or another were mentioned by 85 percent of the countries included in the survey that delimited electoral districts.

[20] The means of communication and/or ease of travel are mentioned as factors to take into account by 21 of the 60 countries. Nineteen of the 60 countries listed communities of interest as a criterion that should be considered when delimiting electoral districts.

[21] The *population quota* is the average number of persons per constituency (or per representative in the case of multimember districts). It is calculated by dividing the total number of districts to be drawn (or representatives to be elected in the case of multimember districts) into the population of the country.

[22] *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).

plans that had less than the absolute *de minimus* population variation possible, none of the plans upheld contained total deviations of even one percent.

Macedonia, with a Regional List PR electoral system and six electoral districts, is the closest to this standard (at least with regard to the countries included in our survey) with allowable deviations of no more than plus or minus three percent from the population quota. New Zealand, Albania, and Yemen allow deviations of up to five percent from the population quota. Australia, Belarus, Italy, and Ukraine specify ten percent as the maximum allowable deviation.

The population requirement in Australia, however, is actually more complicated than a ten percent tolerance limit: Australian election law also requires that electoral districts deviate by no more than 3.5 percent, three years and six months after the expected completion of the redistribution. This criterion was devised to produce equality of population halfway through the seven-year Australian districting cycle and to avoid wide discrepancies at the end of the delimitation cycle. To meet this requirement, the Australian delimitation commission (referred to as the Redistribution Commission) must use population projections as well as current population data.

Three countries in our survey reported permissible population deviations of no more than 15 percent: Armenia, Germany, and the Czech Republic. (In Germany, proposed electoral districts cannot deviate by more than 15 percent, and districts that deviate by more than 25 percent must be redrawn according to electoral law.) Another two countries (Zimbabwe and Papua New Guinea) indicated a maximum deviation of 20 percent.

In Canada, the independent commissions charged with creating federal electoral districts are allowed to deviate by up to 25 percent from the provincial population quota. But since 1986, commissions have been permitted to exceed the 25 percent limit under "extraordinary circumstances."[23] The United Kingdom allows even larger deviations in district populations. The original standard was set at 25 percent in 1944. But the standard was repealed only two years later. The current rule states that constituencies should be "as equal as possible," but this requirement must be balanced against respect for local boundaries and "special geographic circumstances."[24]

Geographic Criteria

In most of the countries in our survey, the electoral law specifies that geography, or certain geographic factors, be taken into account when delimiting electoral district lines. Respect for clearly established boundaries such as local administrative unit lines and "natural boundaries" created by such topographical features as mountain ranges, rivers, or islands are often listed as criteria to consider when drawing district lines. Remoteness of a territory, sparseness of population, and "geographic accessibility" are also sometimes mentioned as factors to consider.

[23] This provision was used in 1996 to create one seat in Quebec with a population 40.2 percent below the provincial average and one Newfoundland seat with a population 62.5 percent below the provincial average.

[24] Allowances for natural communities prompted English Boundary Commissioners in 1983 to leave the Isle of Wight with 95,000 electors as a single constituency, while respect for local London boundaries left suburban Surbiton with only 48,000 electors.

The most commonly mentioned geographic factor listed by the countries in our survey is consideration for local administrative boundaries; two-thirds of the countries identified this as an important criterion. Botswana's Constitution specifies consideration of not only administrative district boundaries, but the boundaries of tribal territories.

Botswana: Delimitation Criteria

The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable :
Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of natural community of interest, means of communication, geographical features, density of population, and the boundaries of Tribal Territories and administrative districts.

Constitution of Botswana, 1997, Article 65 Section 2

Another geographic feature mentioned frequently is population density or sparseness of population; this is listed as a criterion in 12 of the countries surveyed. In Malaysia, the Election Commission is required to weight sparsely populated rural constituencies in a manner to guarantee their over-representation in the legislature.[25]

Two other factors that are sometimes identified as delimitation criteria relate specifically to the geometric shape of a district: contiguity and compactness. Advocates of these criteria hold that districts should not be oddly-shaped and that all pieces of a district should be inter-connected. The election commission in Mexico, for example, is required to create electoral districts in which the perimeters are regular in shape. Other countries that specify that constituencies be compact include Albania, Armenia, Bangladesh, Barbados, Belarus, Dominican Republic, India, Italy, Pakistan, and the United States.

In the United States, district compactness has not been required by federal law since 1929, but when a number of states created some bizarrely-shaped districts in the 1990s round of redistricting, the U.S. Supreme Court indicated that districts such as the two North Carolina congressional districts illustrated in the map on the following page were unconstitutional.[26]

[25] Article 2 (c) of the Thirteenth Schedule of the Malaysian Constitution provides that "the number of electors within each constituency in a State ought to be approximately equal except that, having regard to the greater difficulty of reaching electors in the country districts and the other disadvantages facing rural communities, a measure of weightage for area ought to be given to such constituencies." Since ethnic Malays predominate in the rural areas and non-ethnic Malays reside primarily in the urban centers, this "rural weightage" has guaranteed Malay dominance of the political system.

[26] Although the shape of these districts was not the basis for the Supreme Court's decision, the fact that the districts were not compact was considered evidence of an impermissible motive in creating the district boundaries.

Figure 1.2: North Carolina, 1992 Proposed Redistricting Plan

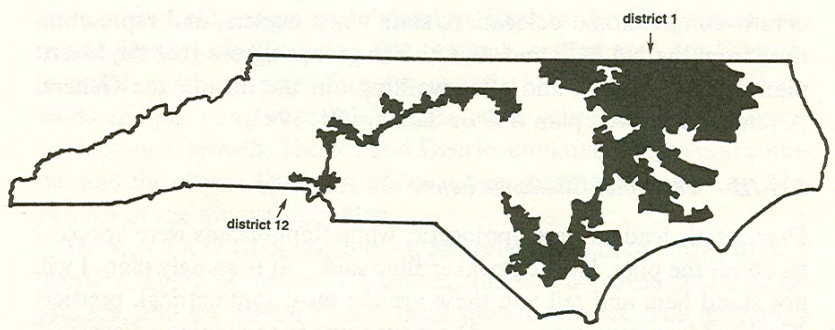


Figure 3.4 Redistricting Plan #10: Proposed by Democrats, January 1992; Approved by General Assembly, January 1992; Approved by U.S. Justice Department, February 1992
Source: North Carolina General Assembly, Legislative Services Office.

Communities of Interest

Many countries that delimit districts emphasize the importance of creating districts that correspond as closely as possible to communities of interest. The rationale for recognizing such communities is that electoral districts should be more than conglomerations of arbitrary groups of individuals; electoral districts should be cohesive units with common interests related to representation. This makes a representative's task of articulating the interests of his or her constituents much easier.

In our survey, 19 of the 60 countries that delimit constituencies indicated that respect for communities of interest was a criterion considered by the boundary authority.

Most countries' electoral laws do not elaborate on what specific communities of interest are relevant to delimitation; the boundary authority is simply instructed to take into account "communities of interest." German electoral law states that constituencies should form a "coherent" area. Nepal, Pakistan, and Papua New Guinea electoral law instruct the boundary authority to consider "community and diversity of interest" or "homogeneity and heterogeneity of the community."

Nepal: Communities of Interest

The Commission, while demarcating the constituencies in any district pursuant to this Section, shall take into consideration the nature of the boundaries of that district, geographical features, density of population, transportation facilities and homogeneity and heterogeneity of the community residing in such district.

Nepal, Electoral Constituency Delimitation Act, 2047 (1990)

Australian electoral law offers more guidance, stating that the Redistribution Committee shall give due consideration to "community of interests within the proposed Electoral Division, including economic, social and regional interests."[27]

[27] Australia Commonwealth Electoral Act 1918 – Division 3 – Representation of the States and Territories in the House of Representatives, Article 66, Section 3 b (ii).

A handful of countries offer more explicit instructions as to what communities of interest are particularly pertinent when delimiting constituencies. In Hungary, for example, the boundary authority is to take account of ethnic, religious, historical, and other local characteristics when creating electoral districts. Panama and Ukraine also require consideration of minority populations: in Ukraine, the "density of national minority populations" is to be taken into account; in Panama, "concentrations of indigenous populations" must be considered. Minus electoral law provisions specifically designed to promote minority representation, however, criteria requiring "due consideration" of the minority population is likely to have little impact on integrating the halls of government with minority representatives.

Special Provisions for Minority Groups

Electoral systems that rely on single-member constituencies to elect members of parliament cannot guarantee proportional representation or even some minimal percentage of seats for racial, ethnic, religious, or other minority groups within the population. This is particularly true of electoral systems that rely solely on electoral districts for the election of representatives (i.e., FPTP and AV systems). On the other hand, List PR and Mixed systems – such as Parallel and MMP systems – can accommodate requirements for minority representation within the context of the party lists if so desired.

In districted systems, voters of a specific minority group will find it very difficult to elect members of their group to legislative office if voting is polarized along majority-minority lines. Only if separate seats are reserved for this minority group, or if special electoral districts are drawn for the group, will minority voters succeed in electing minority representatives. A few countries included in our survey have made such special provisions to ensure that racial, ethnic, or religious minorities are represented in the legislature.

Of the 60 countries in our survey that delimited districts, ten indicated that they have special provisions designed to ensure some minority representation in the parliament. These countries are Croatia, Fiji, India, Mauritius, New Zealand, Pakistan, the Palestinian Territories, Papua New Guinea, Singapore, and the United States.

Croatia, which has a List PR electoral system with electoral districts that are not typically redrawn, reserves specific districts for members of the (1) Hungarian, (2) Czech and Slovak, and (3) Ruthenian and Ukrainian and German and Austrian minorities. In addition, three seats are specifically reserved for the Serbian minority within the Republic of Croatia.

In the Block Vote (or Party Block Vote) systems of Mauritius, Singapore, and the Palestinian Territories, a number of seats are reserved for minorities:

- ***Singapore*** – Most members of parliament are elected through a "Party Block Vote" in multi-member Group Representative Constituencies (GRCs). Parties contesting a GRC must propose a slate that includes at least one

member of an official minority (listed as Indian, Malay, Eurasian, or Other).[28] Within the GRCs, voters select from among closed party lists, with the party receiving a plurality of votes winning all seats in the district.

- ***Mauritius*** – In addition to the 62 representatives elected from 21 multimember constituencies, there are a maximum of eight additional seats allocated to the "best losers." These "best loser" seats are apportioned among four constitutionally recognized ethnic or religions communities (Hindus, Muslims, Chinese, and "Creole") to ensure some representation for each of these minority groups.
- ***Palestinian Territories*** – The West Bank and Gaza Strip are divided into 16 multimember electoral districts. In the 1996 elections,[29] the political party obtaining the greatest number of votes in each district took all the seats allocated to the district. Six seats across four districts (Jerusalem, Bethlehem, Ramallah, and Gaza) were reserved for the Christian population; one seat (in the Nablus district) was set aside for the Samaritans.

India and Pakistan, both with FPTP electoral systems, have specifically reserved single-member districts to ensure the representation of certain minorities:

- ***Pakistan*** – There are three categories of seats in the National Assembly: (1) 272 general seats; (2) 60 seats reserved for women; and (3) ten seats reserved for non-Muslims (Hindus, Christians, and others). Representatives of the general seats are elected by simple majority on the basis of 272 single-member constituencies. The seats reserved for women are filled on the basis of a proportional representation system based on the number of general seats won by each political party by province. The seats reserved for non-Muslims are filled under the same proportional representation system, except that the entire country constitutes a single constituency. Both women and non-Muslim candidates are chosen from closed lists filed by the political parties.
- ***India*** – A certain number of parliamentary constituencies in each state are reserved for members of Scheduled Castes and Scheduled Tribes based on their proportion of the total state population. In reserved constituencies, only candidates from these communities can stand for election. These reserved constituencies shift from one election to the next. In total, there are 79 parliamentary seats reserved for Scheduled Castes, and 41 seats for Scheduled Tribes.

[28] Each GRC is categorized based on whether the minority member to be included on the slate is to be "Malay" or "Indian and other".

[29] To date, there has been only one parliamentary election held in the Palestinian Territories. The legislative (and presidential) elections scheduled for 2003 were cancelled; parliamentary elections are now scheduled to take place in May 2005.

India: Drawing Seats for Minority Groups

(c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and,

(d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

The Delimitation Act of India, 1972

Fiji and Papua New Guinea, each with Alternative Vote systems, have separate sets of communal seats to guarantee representation of the major ethnic groups. In Fiji, for example, the 71 legislative constituencies are comprised of 46 "communal" constituencies and 25 "open" constituencies (where all eligible voters, regardless of race/ethnicity, caste votes), with the "communal" members elected as follows:

- 23 elected from a roll of voters registered as indigenous Fijians,
- 19 elected from a roll of voters registered as Indians,
- one elected from a roll of voters registered as Rotumans, and three elected from a roll of voters not registered as Fijians, Indians, or Rotumans (this is the "general voters" roll).

A significant feature of New Zealand's electoral system is a provision for representation of the descendants of New Zealand's aboriginal Maori population. The Representation Commission is obliged to create two sets of electoral districts (electorates) in New Zealand: one set of "General" electorates and a second set of "Maori" electorates. In the 2002 general election, for example, there were 62 General electorates (electoral districts) and seven Maori electorates delimited.[30] The Maori electorates overlay the general electorates.

To vote in a Maori electorate, the voter must be a Maori and must register on the Maori roll.[31] This mechanism provides Maori voters the opportunity to select their own set of representatives. Because of this electoral feature, Maoris have been represented in the New Zealand parliament in roughly the same proportion as their percentage in the population for the past few decades.

Minority Representation in the United States The United States, because of its sizeable racial and ethnic minority population and its history of discrimination against certain minority groups, has had to address the issue of fairness to minorities in promulgating districting plans. The Voting Rights Act of 1965 and its amendments in 1982 have established that a districting plan that dilutes the voting strength of minority voters by dividing the minority community among different districts may be invalid.

[30] There were also 51 Party List seats, for a total of 120 seats.

[31] Registration on the Maori electoral roll is optional; Maoris can choose to register on the general roll instead.

Protected minority groups (blacks, Hispanics, Asians, and Native Americans) must meet at least three conditions to qualify for this protection:

- The group must be sufficiently large and geographically compact to form a majority in a single-member district;
- The group must be politically cohesive (they must share common political interests); and
- The group must be able to demonstrate that the majority population votes as a bloc against the minority community's preferred candidates and that the minority-preferred candidates usually lose.

If a minority group is able to satisfy all three conditions, a districting plan should be fashioned such that minority voters constitute a majority of voters in one or more districts.

The Voting Rights Act guarantees racial and ethnic fairness in some minimal sense. It is "minimal" because only minority communities that can satisfy all three conditions are given an opportunity to form the majority of a district and elect a candidate of choice. As a result, blacks, Hispanics, Asians, and Native Americans are far from proportionally represented in the U.S. Congress. The minority community in New Zealand, for example, is better represented in the legislature because of a more effective provision.

Comparing Delimitation Practices

As this survey of delimitation laws and practices has demonstrated, the type of boundary authority established and the rules this authority is obliged to follow vary widely across countries. If countries were to be placed on a spectrum of how "political" the delimitation process is, the United States would sit firmly at the "political" end of the continuum. The responsibility for drawing electoral districts for the U.S. House of Representatives rests, in most instances, with the state legislatures. There are few legal constraints placed upon the legislators redrawing the electoral districts, and the redistricting plans produced usually benefit the political party in control of the redistricting process. Court challenges to redistricting plans are common, and the judicial battles over these plans are often quite contentious.

At the other end of the spectrum are countries in which politicians have opted out of the delimitation process and granted the authority for delimiting constituencies to independent, non-partisan commissions – either the election commission or a boundary commission specifically established for the purpose of drawing electoral districts. The commission usually operates with an established set of delimitation criteria, and the final decision as to which set of constituency boundaries to implement rests with the commission, not the legislature. Judicial review of the process and the delimitation plans produced occur rarely, if at all.

The delimitation process in this latter set of countries is viewed by most stakeholders in these countries as impartial and unbiased. In emerging democracies and post-conflict societies especially, designing a delimitation process that will produce results that are not likely to be viewed as "political" may be of paramount importance. Of course, the

fact that the process is non-partisan does not mean that delimitation will have no political effect; it simply means that any political consequences will have been unintentional.

Towards Developing International Standards for Delimitation

As the above discussion demonstrated, delimitation practices vary greatly around the world. In fact, countries disagree on even the most fundamental of issues, such as how independent the process can and should be from political concerns. To date, very few international election standards have been proposed to guide the delimitation process. Those standards that have been proposed, however, frequently make reference to at least three fundamental principles: (1) equality of voting strength, (3) delimitation by an independent, impartial boundary authority and (3) the delimitation of electoral boundaries should not discriminate against any major political parties or minority groups.

Equality of Voting Strength

Electoral district boundaries should be drawn so that constituencies are relatively equal in population (using reliable census or voter registration figures). *Equi-populous* constituencies allow voters to have an equally weighted vote in the election of representatives. The following are two standards developed to reflect this principle, one offered by the Organization for Security and Cooperation in Europe (OSCE) and one by the UN Committee on Human Rights (UNCHR):

- The delineation of constituencies in which elections are conducted must preserve the equality of voting rights by providing approximately the same ratio of voters to elected representatives for each district. Existing administrative divisions or other relevant factors (including of a historical, demographic, or geographical nature) may be reflected in election districts, provided the design of the districts is consistent with the equality of voting and fair representation for different groups in society. (OSCE, “Inventory of OSCE Commitments and Other Principles for Democratic Elections”)
- The principle of one person, one vote must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely. (UN Committee on Human Rights, General Comment 25, “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service”)

Independent, Impartial Boundary Authority

Ideally, the legal framework for boundary delimitation should provide that the persons or institution responsible for drawing electoral boundaries be independent, non-partisan and impartial. In addition, the recommendations of the Boundary Authority should not be subject to modification or veto by the government or by the legislature.

Non-Discrimination

The drawing of electoral boundaries should not discriminate against any political party or minority group. Of course, electoral systems that rely exclusively on single-member districts cannot guarantee even some minimal percentage of seats for minority political parties or for ethnic, racial or religious minority groups in the population. However, this fact should not open the door to active discrimination against a particular group; the boundary authority should be prohibited from devising boundaries that would overtly harm any political party or minority group.

These three concepts can be found reflected in the international standards proposed by a variety of organizations. Listed in Appendix A are election standards related to the delimitation of electoral boundaries proposed by a number of international and regional governmental and non-governmental organizations including the European Commission for Democracy Through Law (Venice Commission), the Office for Democratic Institutions and Human Rights (ODIHR) and the Commonwealth Secretariat

Appendix A: Electoral Systems and Delimitation of Electoral Districts in the Countries Surveyed

Country	Number of Legislative Chambers	Type of Electoral System [32] by Legislative Chamber[33]	Are Electoral Districts Delimited?
Albania	1	*Single chamber – MMP (140 MPs: 100 SMDs, 40 PR seats)	Yes
Armenia	1	*Single chamber – Parallel (combination SMDs & PR)	Yes
Australia	2	Upper – PR (STV) with territorial representation (states) *Lower – AV (in SMDs)	Yes
Austria	2	Upper – indirect election & appointment Lower – List PR (pre-existing admin regions)	No
Bahamas	2	Upper – appointed *Lower – FPTP (40 SMDs, plurality vote)	Yes
Bangladesh	1	*Single – FPTP	Yes
Barbados	2	Upper – appointed *Lower – FPTP (28 SMDs, plurality vote)	Yes
Belarus	2	Upper – indirect election & appointment *Lower – TRS (110 SMDs)	Yes
Belgium	2	Upper – List PR (defined electoral districts) & appointed Lower – List PR (defined electoral districts)	Yes
Belize	2	Upper – appointed *Lower – FPTP	Yes
Bosnia and Herzegovina	2	Upper – appointed Lower – List PR (pre-existing admin regions)	No
Botswana	2	Upper – appointed *Lower – FPTP	Yes
Bulgaria	1	*Single – List PR (defined electoral districts)	Yes

[32] Abbreviations for electoral systems: FTPT First Past the Post; AV Alternative Vote; TRS Two Round System; MMP Mixed Member Proportional System; STV Single Transferable Vote. Additional abbreviations: SMDs Single Member Districts; MMDs Multimember Districts.

[33] An asterisk marks the chamber(s) in which electoral districts are delimited. The delimitation process of this chamber is described in subsequent tables.

Country	Number of Legislative Chambers	Type of Electoral System [32] by Legislative Chamber[33]	Are Electoral Districts Delimited?
Burkina Faso	1	*Single – List PR (pre-existing admin regions)	No
Cambodia	2	Upper – indirect election & appointment Lower – List PR (pre-existing admin regions)	No
Cameroon	1	*Single – Parallel (combination SMD & PR via MMDs)	Yes
Canada	2	Upper – appointed *Lower – FPTP (plurality vote in SMDs)	Yes
Cape Verde	1	Single – List PR (pre-existing admin regions)	No
Chile	2	Upper – List PR (pre-existing admin regions) Lower – List PR (pre-existing admin regions)	No
Costa Rica	1	Single – List PR (pre-existing admin regions)	No
Croatia	1	Single – List PR (defined electoral districts)	Yes
Czech Republic	2	*Upper – TRS (81 SMDs) Lower – List PR (pre-existing admin regions)	Yes
Denmark	1	Single – List PR (pre-existing admin regions)	No
Dominica	1	*Single – FPTP (30: 21 SMDs; nine appointed)	Yes
Dominican Republic	2	Upper – FPTP with territorial representation (provinces) *Lower – List PR (some provinces divided into districts)	Yes
El Salvador	1	Single – List PR (pre-existing admin regions)	No
Fiji	2	Upper – appointed *Lower – AV (in SMDs)	Yes
Finland	1	Single – List PR (defined electoral districts)	Yes
France	2	Upper – indirect election *Lower – TRS from SMDs	Yes
Georgia	1	Single – Parallel (combination PR & SMDs with pre-existing admin regions used as electoral districts)	No
Germany	2	Upper – indirect election	Yes

Country	Number of Legislative Chambers	Type of Electoral System [32] by Legislative Chamber[33]	Are Electoral Districts Delimited?
		*Lower – MMP (half MPs elected from SMDs)	
Guatemala	1	Single – Parallel (91 elected from MMDs corresponding to pre-existing admin regions; 22 PR seats)	No
Honduras	1	Single – List PR (pre-existing admin regions)	No
Hungary	1	*Single – Parallel Plus (combination SMD & List PR, some compensatory seats)	Yes
Iceland	1	Single – List PR (defined electoral districts)	Yes
India	2	Upper – PR (STV) with territorial representation (state) *Lower – FPTP	Yes
Indonesia	2	Upper – SNTV (provinces) *Lower – list PR (some provinces divided into districts)	Yes
Ireland	2	Upper – indirect election & appointment *Lower – STV in delimited MMDs	Yes
Italy	2	*Upper – Parallel Plus (SMD & List PR, some compensatory seats) *Lower – Parallel Plus (SMD & List PR, some compensatory seats)	Yes
Jamaica	2	Upper – appointed *Lower – FPTP	Yes
Japan	2	*Upper – Parallel (combination SMDs & PR) *Lower – Parallel (combination SMDs & PR)	Yes
Kenya	1	*Single – FPTP (222: 210 SMDs & 12 appt)	Yes
Korea, Republic of	1	*Single – Parallel (combination SMDS & PR)	Yes
Kyrgyzstan	2	*Upper – TRS (45 SMDs) *Lower – Parallel (15 List PR; 45 SMD with majority vote/TRS)	Yes
Latvia	1	Single – List PR (pre-existing admin regions)	No
Lesotho	2	Upper – appointed *Lower – MMP (80 SMDS & 40 PR MPs)	Yes
Lithuania	1	*Single – Parallel (combination SMDs & List PR from pre-existing admin	Yes

Country	Number of Legislative Chambers	Type of Electoral System [32] by Legislative Chamber[33]	Are Electoral Districts Delimited?
		regions)	
Macedonia	1	*Single – List PR (defined electoral districts)	Yes
Malaysia	2	Upper – appointed *Lower – FPTP	Yes
Mauritius	1	*Single – Block Vote in MMDs	Yes
Mexico	2	Upper – Parallel (3 per federal territory (96) & 32 List PR) *Lower – MMP (combination 300 SMDs & List PR)	Yes
Moldova, Republic of	1	Single – List PR (pre-existing admin regions)	No
Mozambique	1	Single – List PR (pre-existing admin regions)	No
Namibia	2	Upper – indirect election *Lower – List PR (defined electoral districts)	Yes
Nepal	2	Upper – indirect election & appointment *Lower – FPTP	Yes
Netherlands	2	Upper – indirect election Lower – List PR (single constituency)	No
New Zealand	1	*Single – MMP (120: combination SMDs & PR)	Yes
Nicaragua	1	Single – List PR (pre-existing admin regions)	No
Nigeria	2	*Upper – FPTP (3 SMD per state) *Lower – FPTP	Yes
Norway	1	Single – List PR (pre-existing admin regions)	No
Pakistan	2	Upper – indirect election *Lower – FPTP (207 SMDs plus reserved seats)	Yes
Papua New Guinea	1	*Single – AV (in SMDs) since 2003	Yes
Palestinian Territories	1	*Single – Block Vote (defined electoral districts)	Yes
Panama	1	*Single – Parallel (combination SMDs & PR)	Yes
Paraguay	2	Upper – List PR (single national constituency) Lower – List PR (pre-existing admin	No

Country	Number of Legislative Chambers	Type of Electoral System [32] by Legislative Chamber[33]	Are Electoral Districts Delimited?
		regions)	
Peru	1	Single – List PR (pre-existing admin regions)	No
Poland	2	Upper – List PR (defined electoral districts) *Lower – List PR (defined electoral districts)	Yes
Portugal	1	Single – List PR (pre-existing admin regions)	No
Romania	2	Upper – List PR (pre-existing admin regions) Lower – List PR (pre-existing admin regions)	No
Saint Lucia	2	Upper – appointed *Lower – FPTP	Yes
Saint Vincent and the Grenadines	1	*Single – FPTP (21 MPs: 15 SMDs, six appointed)	Yes
Seychelles	1	*Single – Parallel (combination SMDs & PR)	Yes
Singapore	1	*Single – Party Block (SMDs)	Yes
Slovakia	1	Single – List PR (single national constituency)	No
South Africa	2	Upper – indirect election Lower – List PR (regional: provinces)	No
Spain	2	Upper – FPTP with territorial representation (provinces plus) Lower – List PR (pre-existing admin regions)	No
Sweden	1	*Single – List PR (defined electoral districts)	Yes
Switzerland	2	Upper – territorial representation (cantons), usually plurality vote Lower – List PR (pre-existing admin regions)	No
Tanzania	1	*Single – FPTP	Yes
Turkey	1	Single – List PR (provinces, but some provinces subdivided into electoral districts)	Yes
Uganda	1	*Single – FPTP	Yes
Ukraine	1	*Single – Parallel (combination SMDs & List PR)	Yes
United Kingdom	2	Upper – appointed	Yes

Country	Number of Legislative Chambers	Type of Electoral System [32] by Legislative Chamber[33]	Are Electoral Districts Delimited?
		*Lower – FPTP	
United States	2	Upper – territorial representation (states) *Lower – FPTP	Yes
Uruguay	2	Upper – List PR (pre-existing admin regions) Lower – List PR (pre-existing admin regions)	No
Yemen	2	Upper – appointed *Lower – FPTP	Yes
Zimbabwe	1	*Single – FPTP (120 SMDs plus appointed MPs)	Yes

Appendix B: Players in the Delimitation Process

Players in the Delimitation Process					Delimitation Prompts
Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Albania	BC: Electoral Zone Boundary Commission (9 members, including Secretary of the Central Election Commission)	legislature	yes: final passage of Act		Every five years (2000, 2005)
Armenia	EMB: Central Election Commission	EMB	No	none	Every 4 years
Australia	BC: Redistribution Commission	BC	No	constituency delimitation plan subject to judicial review only on very limited constitutional grounds	Every seven years; Change in number of seats apportioned to state; when prescribed level of malapportionment met

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Bahamas	BC: Constituencies Commission (5 members composed mostly of members of Parliament)	legislature	yes: final passage of Act		Every five years
Bangladesh	EMB: election commission	EMB			Changes in the number of registered voters; changes in administrative boundaries
Barbados	EMB/BC: Electoral and Boundaries Commission (5 members)	legislature	yes: final passage of Act		Changes in number/distribution of registered voters; changes in administrative boundaries
Belarus	EMB: election commission, with draft of constituency boundaries prepared by local organs of the executive	EMB			Change in number of registered voters

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Belgium	Legislature: legislature passed Act defining boundaries; boundaries are not periodically redrawn	legislature	yes	none	Electoral districts have not been redrawn in decades (number of seats allocated changes every ten years)
Belize	BC: Delimitation Commission	legislature	yes	none	Changes in population; changes in administrative boundaries
Botswana	BC: Delimitation Commission	BC	no		Every 5-10 years; when parliament changes number of seats allocated to a region
Bulgaria	Legislature; legislature divides country into multimember districts for regional lists	legislature	yes		Changes in population; changes in administrative boundaries

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Cameroon	Government department or agency		yes: legislature can consider delimitation Act	none	No set time period: changes in population; changes in administrative boundaries
Canada	BC: boundary commission established for each province	legislature passes Act, but final authority rests with BC	legislature can consider plan, but final authority rests with BC	court can play a role, but has rarely been called upon to make a ruling	Every ten years following decennial census
Croatia	Legislature: legislature passed Act defining boundaries; boundaries are not periodically redrawn	legislature	yes	none	Electoral districts not redrawn unless there is dramatic change in population or administrative boundaries
Czech Republic	Legislature: legislature delimits single-member electoral districts for upper chamber	legislature	yes	Act delimiting districts can be challenged if alleged to be unconstitutional	Changes in total population: electoral districts cannot exceed +/- 15%

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Dominica	BC: Electoral Boundaries Commission	legislature	legislature can modify delimitation Act and must approve it	none	2-5 years
Dominican Republic	EMB: if more than five seats have been allocated to a province, then election commission must divide province into two or more multimember electoral district	EMB			Changes in number/distribution of total population as determined by periodic census
Fiji	BC: Constituencies Boundaries Commission	BC	no	Act delimiting districts may be challenged in court in theory, but this has not yet happened	Every five years (prior to each election)
Finland	Legislature: legislature passed Act defining 15 electoral districts; boundaries are not periodically redrawn	legislature	yes	none	Electoral districts unlikely to change (although number of seats allocated does change)

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
France	Legislature	legislature	yes	judicial review of delimitation law is permitted	Approximately 12-14 years (but last delimitation 1986)
Germany	BC: Electoral Districts Commission	legislature	yes	none	Every 4 years (as needed)
Hungary	Executive department / agency	government (department or agency)			Change in total population; change in administrative boundaries
Iceland	Legislature: legislature passed Act defining boundaries; boundaries are not periodically redrawn	legislature	yes	none	Electoral districts have not been redrawn in decades (number of seat allocated changes)

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
India	BC: Delimitation Commission (independent commission established by parliament for each state)	BC	no	none	Every ten years (except that delimitation was suspended from 1976 – until after 2001 census)
Indonesia	EMB: election commission drew electoral districts in provinces allocated more than 12 seats (done for the first time in 2003)	EMB	no	no specific role, but decrees of the election commission can be reviewed by the Supreme Court if requested	No set time period; no trigger for future delimitation
Ireland	BC: Constituency Commission, acting in advisory role, creates MMDs for STV (PR system)	legislature	yes: legislature must approve delimitation plan	indirect role only: courts may intervene if allegations are made that an electoral act is unconstitutional	At least every 12 years
Italy	Legislature	legislature	yes		Following national census

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Jamaica	EMB: Electoral Office of Jamaica (EOJ)	legislature	yes	none	Every 4 years (as needed)
Japan	BC: Boundary Commission	legislature, but must accept final plan of BC	yes	limited role: courts may examine if population variations across electoral districts are constitutional or not	Every ten years
Kenya	EMB: Electoral Commission	EMB	no	none	Every 8-10 years
Korea, Republic of	Legislature: Boundary Commission is special committee of the National Assembly	legislature	yes		Changes in number/distribution of population; changes in administrative boundaries

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Kyrgyzstan	Legislature	legislature	yes	none	No set time interval: changes in population
Lesotho	EMB: election commission	EMB			Every ten years
Lithuania	EMB: Central Election Commission	EMB	no	court can review decision of CEC	Every 4 years (as needed)
Macedonia	Government department or agency	legislature	yes		Changes in number of registered voters (if electoral district exceed +/- 3%, must be redrawn)

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Malaysia	EMB: Election Commission	legislature	Yes: approve, reject but not vary Delimitation Act		At least every eight years
Mauritius	BC: Electoral Boundaries Commission	legislature	Yes: approve, reject but not vary Delimitation Act		Every ten years
Mexico	EMB: Instituto Federal Electoral (IFE)	EMB	no	yes, political parties can appeal the result of a delimitation to the court	Every ten years, following decennial census
Namibia	BC: Delimitation Commission (appointed by president on recommendation of National Assembly)	BC	yes: only to recommend delimitation commission members		Changes in population; changes in administrative boundaries; changes in socio-economic conditions

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Nepal	BC: Election Constituency Delimitation Commission (appointed by the King)	BC		none	Every ten years, following census
New Zealand	BC: Representation Commission (seven members, including two appointed by legislature to represent party in government and opposition)	BC	no	very limited: Representation Commission can be subject to judicial review	Every five years following census
Nigeria	EMB: Independent National Election Commission (INEC)	EMB	no	Delimitation plan subject to judicial review	Every ten or so years (following decennial census)
Pakistan	EMB: Election commission	EMB	no	None	Approximately every ten years (following census)

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Palestinian Territories	Legislature: legislature passed Act defining boundaries; no provision for boundaries to be periodically redrawn	legislature	yes	none	No provisions for boundaries to be redrawn
Papua New Guinea	BC: Boundaries Commission	legislature	Yes: approve, reject but not vary Delimitation Act		At least every ten years
Panama	Legislature	legislature	yes		Changes in population
Poland	EMB: National Electoral Commission submits proposals to legislature	legislature	yes	none	No set time interval; changes in population; changes in administrative boundaries
Saint Lucia	BC: Constituency Boundaries Commission	legislature	yes		Every 3-7 years

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Saint Vincent and the Grenadines	BC: Boundaries Commission (3 member commission appointed by Governor General)	BC	legislature granted power to consider delimitation plan		At least every eight years
Seychelles	EMB: election commission	EMB			Every three years (as needed)
Singapore	BC: Electoral Boundaries Review Committee (members are appointed from within Elections Department, a government agency)	BC	No	none	No specific requirements, but delimitation review has preceded every election to date
Sweden	Legislature: legislative passed Act defining boundaries (usually correspond to administrative units); boundaries are not periodically redrawn	legislature	yes	none	Electoral districts only redrawn if there are essential changes in population structure

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
Tanzania	EMB: Electoral Commission	EMB	no	none	Every ten years
Turkey	EMB: election commission	EMB			Every five years or prior to an election
Uganda	EMB: Electoral Commission draws boundaries for legislature	legislature	yes	delimitation plan can be challenged in court	Changes in population; changes in administrative boundaries
Ukraine	EMB: Central Election Commission	EMB			Changes in the number of registered voters
United Kingdom	BC: Boundaries Commission (England, Scotland, Wales and N. Ireland each have separate boundary commissions)	legislature passes delimitation Act	legislature can accept or reject, but cannot modify delimitation act	very limited – decisions of the commission are subject to judicial review, but not delimitation act	8-12 years (changes in number of registered voters; changes in administrative boundaries)

Country	Authority responsible for delimitation	Who has final authority over plan adopted?	Does the legislature play any role in the delimitation process?	What role, if any, does the court play in the delimitation process?	What prompts delimitation – a specified time period or something else?
United States	Legislature: each state redraws boundaries; in most states, it is state legislature that redraws	State legislatures usually pass delimitation plan	yes	yes – delimitation plans can be challenged in court as illegal and/or unconstitutional	Every ten years (following decennial census)
Yemen	EMB: Supreme Commission for Elections and Referenda (SCER)	EMB	no	none	
Zimbabwe	BC: Delimitation Commission	President	no		Every five years

Appendix C: Criteria Considered in the Delimitation Process

Delimitation Criteria			
Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Albania	• Population equality • Compact districts with geographic continuity • Respect for local administrative boundaries	+/- 5%	Registered voters
Armenia	• Population equality • Compactness/contiguity • Ease of communication • Ease of transportation	+/- 15%	Registered voters
Australia	• Population equality • Communities of interest including economic, social, and regional interests • Means of communication and travel • Physical features and area • Boundaries of existing constituencies	+/- 10% at creation; +/- 3.5% halfway into seven year delimitation period	Registered voters

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Bahamas	• Population equality • Population density (especially sparsely populated areas) • Geography (size, physical features, natural boundaries, geographic isolation)	None	Registered voters
Bangladesh	• Population equality • Respect for local administrative boundaries • Territorial contiguity and compactness	None	Registered voters
Barbados	• Population equality • Compactness • Respect for local administrative boundaries	None	Registered voters
Belarus	• Population equality • Compactness/contiguity	+/- 10%	Number of voters in previous election
Belgium	No criteria established by law (number of seats allocated to defined electoral districts based on population)		Citizen population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Belize	• Population equality • Regard for transport and other facilities • Physical features		Registered voters
Botswana	• Population equality • Communities of interest • Means of communication • Geographic features • Population density • Respect for local administrative boundaries and Tribal territories	None	Total population
Bulgaria	• Population equality • Respect for local administrative boundaries	None	Total population
Cameroon	• Population equality • Respect for local administrative boundaries • Geography • Ease of communication	None	Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Canada	• Population equality • Respect for natural barriers • Respect for local administrative boundaries • Communities of interest	+/- 25%	Total population
Croatia	• Population equality • Respect for local administrative boundaries	None	Registered voters
Czech Republic	• Population equality • Geographic size • Respect for local administrative boundaries	+/- 15%	Total population
Dominica	• Population equality • Population density (sparsely populated areas) • Geographic features • Respect for local administrative boundaries • Means of communication	None	Total population
Dominican Republic	• Population equality • Compactness • Respect for local administrative boundaries • Geographic features (size) • Communities of interest	None	Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Fiji	• Population equality • Urban/rural concentrations • Physical features • Respect for local administrative boundaries and recognized traditional areas • Means of communication and transportation • Ethnic heterogeneity in “open” (non-communal) seats	None	Registered voters
Finland	No criteria established by law (number of seats allocated to defined electoral districts based on population)		Total population
France	• Population equality • Contiguity • Respect for local administrative boundaries	None	Total population
Germany	• Population equality • Communities of interest (constituencies should form “coherent” area) • Respect for local administrative boundaries	+/- 15%; constituencies must be redrawn at +/- 25%	Citizen population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Hungary	• Population equality • Respect for local administrative boundaries • Communities of interest (based on ethnic, religious, historical, and other local characteristics)	None	Citizen population
Iceland	No criteria established by law (number of seats allocated to defined electoral districts based on population)		Registered voters
India	• Population equality • Geography (compactness) • Physical features • Respect for natural barriers • Respect for local administrative boundaries • Facilities of communication and public convenience	None	Total population
Indonesia	• Population equality • Contiguity • Respect for local administrative boundaries • Communities of interest • Ease of communication and transportation (criteria not established by law, but by practice)	None	Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Ireland	• Population equality • Respect for natural barriers	None	Total population
Italy	• Population equality • Compactness • Respect for natural barriers • Respect for local administrative boundaries • Geography (size) • Communities of interest	+/- 10%	Total population
Jamaica	• Population equality • Contiguity • Geographic size		Registered voters
Japan	• Population equality • Respect for natural barriers • Respect for local administrative boundaries		Total population
Kenya	• Population equality • Population density • Population trends • Means of communication • Geographic features • Communities of interest • Respect for local administrative boundaries		Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Korea, Republic of	• Population equality • Respect for local administrative boundaries • Geographic features • Traffic and other conditions	None	Total population
Kyrgyzstan	• Population equality • Respect for local administrative boundaries		Registered voters
Lesotho	• Population equality		Voting age population
Lithuania	• Population equality • Respect for local administrative boundaries • Continuity with previous electoral district boundaries	+/- 25%	Total population
Macedonia	• Population equality	+/- 3%	Registered voters

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Malaysia	• Population equality • Population density (measure of weightage given to rural constituencies) • Respect for local administrative boundaries • Continuity of existing electoral districts	none	Registered voters
Mauritius	• population equality • means of communication • geographical features • density of population • respect for local administrative boundaries	None	Total population
Mexico	• Population equality • Compactness (perimeter of electoral district must be regular in shape) • Respect for natural barriers • Respect for local administrative boundaries • Communities of interest		Total population
Namibia	• Population equality • Respect for natural barriers • Respect for local administrative boundaries • Geographic features (size, population density, infrastructure, means of communication) • Socio-economic characteristics		Registered voters

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Nepal	• Population equality • Density of population • Geographic conditions • Transportation facilities • Communities of interest (homogeneity/ heterogeneity of community)	None	Citizen population
New Zealand	• Population equality • Communities of interest • Ease of communication/ transportation • Topographical features • Continuity with existing electoral district boundaries	+/- 5%	Total population
Nigeria	• Population equality	None	Total population
Pakistan	• Population equality • Compactness • Respect for local administrative boundaries • Facilities of communication • Communities of interest (homogeneity)		Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Palestinian Territories	No criteria established by law		
Panama	• Population equality • Respect for local administrative boundaries • Communities of interest (historical and cultural factors) • Concentrations of indigenous populations • Routes of communication		Total population
Papua New Guinea	• Population equality • Density of population • Physical features and communication • Existing electoral boundaries • Respect for local administrative boundaries • Community and diversity of interest	+/- 20%	Total population
Poland	• Population equality • Respect for local administrative boundaries		Total population
Saint Lucia	• Population equality • Population density • Means of communication • Geographic features • Respect for local administrative boundaries		Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Saint Vincent and the Grenadines	• Population equality • Population density • Means of communication • Geographic features • Respect for local administrative boundaries		Total population
Seychelles	• Population equality • Respect for natural barriers • Respect for local administrative boundaries		Total population
Singapore	• Population deviation	+/- 30%	Registered voters
Sweden	No criteria established by law (number of seats allocated to defined electoral districts based on population)		Citizen population
Tanzania	• Population equality • Respect for local administrative boundaries • Geographic size • Ease of communication		Number of voters

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Turkey	• Population equality • Respect for local administrative boundaries (electoral districts are usually equivalent to provinces, but some provinces have been subdivided)		Citizen population
Uganda	• Population equality • Respect for local administrative boundaries		Total population
Ukraine	• Population equality • Respect for local administrative boundaries • Density of national minority populations	+/- 10%	Registered voters
United Kingdom	• Population equality • Respect for local administrative boundaries • Geographic size/ remoteness • Communities of interest	None	Registered voters
United States	• Population equality • Compactness, continuity • Respect for local administrative boundaries • Communities of interest	As equal as is possible	Total population

Country	Delimitation criteria considered	If equal population is a criterion, is a tolerance limit set by law? If so, what is it?	If equal population is a criterion, what population figure is used– total pop, voting age pop, registered voters, voters, etc.?
Yemen	• Population equality • Geographic (natural barriers) and social considerations • Respect for local administrative boundaries	+/- 5%	Total population
Zimbabwe	• Population equality • Physical features • Means of communication • Geographic distribution of voters • Communities of interest • Continuity of existing electoral districts	+/- 20%	Registered voters

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Appendix D: Proposed International Standards for Delimiting Electoral Boundaries

European Commission for Democracy Through Law:
Code of Good Practice in Electoral Matters
Guidelines and Explanatory Report
Adopted by the Venice Commission, October 2002

The Guidelines of the Venice Commission Report states:

2.2 Equal voting power: seats must be evenly distributed between the constituencies.

> i. This must at least apply to elections to lower houses of parliament and regional and local elections:
> ii. It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged.
> iii. The geographical criterion and administrative, or possibly even historical, boundaries may be taken into consideration.
> iv. The permissible departure from the norm should not be more than ten percent, and should certainly not exceed 15 percent except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).
> v. In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.
>
> vi. With multi-member constituencies, seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries.
>
> vii. When constituency boundaries are redefined – which they must be in a single-member system – it must be done:
> - impartially;
> - without detriment to national minorities;
> - taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities.

In the Explanatory Report, the Venice Commission goes into greater detail:

2.1 Equal voting rights

> 11. *Equality in voting rights* requires each voter to be normally entitled to one vote, and to one vote only. Multiple voting, which is still a common irregularity in the new democracies, is obviously prohibited – both if it means a voter votes more than once in the same place and if it enables a voter to vote simultaneously in several different places, such as his or her place of current residence and place of former residence.
>
> 12. In some electoral systems, the elector nonetheless has more than one vote. In, for example, a system that allows split voting (voting for candidates chosen

from more than one list), the elector may have one vote per seat to be filled; another possibility is when one vote is cast in a small constituency and another in a larger constituency, as is often the case in systems combining single-member constituencies and proportional representation at the national or regional level. In this case, equal voting rights mean that all electors should have the same number of votes.

2.2 Equal voting power

13. *Equality in voting power*, where the elections are not being held in one single constituency, requires constituency boundaries to be drawn in such a way that seats in the *lower chambers* representing the people are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency, the number of resident nationals (including minors), the number of registered electors, or possibly the number of people actually voting. An appropriate combination of these criteria is conceivable. The same rules apply to regional and local elections. When this principle is not complied with, we are confronted with what is known as *electoral geometry*, in the form either of "active electoral geometry", namely a distribution of seats causing inequalities in representation as soon as it is applied, or of "passive electoral geometry", arising from protracted retention of an unaltered territorial distribution of seats and constituencies. Furthermore, under systems tending towards a non-proportional result, particularly majority (or plurality) vote systems, gerrymandering may occur, which consists in favouring one party by means of an artificial delimitation of constituencies.

14. Constituency boundaries may also be determined on the basis of geographical criteria and the administrative or indeed historic boundary lines, which often depend on geography.

15. The maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed ten percent and never 15 percent, except in really exceptional circumstances (a demographically weak administrative unit of the same importance as others with at least one lower-chamber representative, or concentration of a specific national minority).

16. In order to avoid passive electoral geometry, seats should be redistributed at least every ten years, preferably outside election periods, as this will limit the risks of political manipulation.

17. In multi-member constituencies electoral geometry can easily be avoided by regularly allocating seats to the constituencies in accordance with the distribution criterion adopted. Constituencies ought then to correspond to administrative units, and redistribution is undesirable. Where a uninominal method of voting is used, constituency boundaries need to be redrawn at each redistribution of seats. The political ramifications of (re)drawing electoral boundaries are very considerable, and it is therefore essential that the process should be non-partisan and should not disadvantage national minorities. The long-standing democracies have widely differing approaches to this problem, and operate along very different lines. The new democracies should adopt simple criteria and easy-to-implement procedures. The best solution would be to submit the problem in the first instance to a commission comprising a majority of independent members and, preferably, a geographer, a sociologist, a balanced representation of the parties and, where

> appropriate, representatives of national minorities. The parliament would then make a decision on the basis of the commission's proposals, with the possibility of a single appeal.

Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Handbook

In the *Fourth Edition* of the ODIHR Election Observation Handbook, published in April 1999, in a section entitled "The OSCE Commitments," the ODIHR identifies the following as a commitment:

> The principle of *equality* requires that one's vote be given equivalent weight to that of the other voters in order to ensure equal representation. Under the majority voting system it requires that the size of the electorate among constituencies should not vary by more than approximately ten percent (10 percent). Under the proportional representation system, the size of the electorate may vary but the number of representatives for each district should be proportional to the size of the electorate. Voters should have equal and effective access to polling stations.

Later, in Chapter 9 ("The Pre-Election Phase: The Long-Term Observer"), Section 9.1 (Election Administration), part e (Election Boundaries) the ODIHR elaborates on this commitment:

> According to the OSCE commitments, all votes should carry the same weight to ensure equal representation. This means that each elected representative represents a similar number of registered electors. For example, in a majority voting system, the size of the electorate should not vary by more than approximately ten percent (10 percent) from constituency to constituency. Under the proportional representation system, the size of the electorate may vary but the number of representatives for each district should be proportional to the size of the electorate.
>
> The election law should provide detailed and uniform criteria for the drawing of electoral district lines, specifying considerations such as the number of voting population per district and natural, administrative and historical continuity of boundaries.
>
> The boundaries must be drawn in a transparent manner, and ideally by a non-partisan commission of experts assigned for this purpose. Otherwise it may be difficult to determine if the boundaries are elaborated on the principle of political neutrality, or in a selective, discriminatory and biased manner.

Strangely enough, in the *Fifth Edition* of the ODIHR Election Observation Handbook, the slightly more detailed discussion relating to election boundaries no longer appears, and the only reference made to constituencies is in Chapter 3 (Universal principles on elections and human rights), Section 3.4 (Practical implications), which states:

> EQUAL SUFFRAGE implied that each citizen's vote should have the same value. This means that, under proportional-representation systems, the number of representatives for each district should be proportional to the size of the electorate and that the thresholds for winning seats in parliament should not be set so high as to disregard the political choices of relatively large numbers of

voters. Under majority voting systems, equal suffrage means that the population of electoral constituencies should be approximately equal; a variance of more than some 10 per cent could be a cause for concern.

Commonwealth Secretariat: Good Commonwealth Electoral Practice
A Working Document, June 1997

The Commonwealth Secretariat identifies the following points with regard to good electoral practice when delimiting electoral constituencies:

Delimitation of constituencies

1. The delimitation of constituency boundaries is a function occasionally performed by an election commission or otherwise by an independent boundaries commission, and in some cases after a population census.

2. General principles guiding the drawing of constituency boundaries include community of interest, convenience, natural boundaries, existing administrative boundaries and population distribution, including minority groups. There should be no scope for any "gerrymandering", and each vote should, to the extent possible, be afforded equal value or weight, in recognition of the democratic principle that all those of voting age participate equally in the ballot.

3. It is important that the general public play a part in the whole process and that the political parties also have an opportunity to respond to proposals before they are finalized. Where the size of a particular constituency is markedly out of line with the target "quota" of voters per seat, the reasons should be capable of being readily understood by both the parties and the general public.

Electoral Institute of Southern Africa (EISA) and Electoral Commissions Reform (ECF):Principles for Election Management, Monitoring and Observation in the SADC Region
Adopted November 2003

The Electoral Institute of Southern Africa (EISA) and the Electoral Commissions Reform (ECF) adopted the following principles relating to electoral boundary delimitation:

4.1 Delimitation

In most SADC countries the EMB is responsible for the delimitation of constituencies, however some countries appoint special commissions to handle delimitation. The establishment, composition and status of an EMB applies equally to a delimitation commission. In most cases the mechanisms for establishing the body responsible for delimitation are entrenched in the Constitution.

It is important to note that the delimitation process is a technical exercise that can be used to achieve political goals. It is therefore important that the process be guided by clear criteria (see Table 1).

Table 1.A1:: Delimitation of Constituencies

Delimitation should ensure that each constituency contains approximately the same number of eligible voters. The following consideration should be taken into account: i) population density ii) ease of transportation and communication iii) geographic features iv) existing patterns of human settlement v) financial viability and administrative capacity of electoral area vi) financial and administrative consequences of boundary determination vii) existing boundaries viii) community of interest

Recommended Principles

The delimitation process should:

- be managed by an independent and impartial body that is representative of society, comprising persons with the appropriate skills;
- be conducted on the basis of clearly identified criteria such as population; distribution, community of interest, convenience, geographical features and other natural or administrative boundaries;
- be made accessible to the public through a consultation process;
- be devoid of manipulation of electoral boundaries to favour political groups or political interests;
- be conducted by one body;
- include all spheres of government, both national and local.

Appendix E: Glossary of Types of Electoral Systems

Plurality/Majority Electoral Systems:

- ***First-Past-the-Post (FPTP)***: elections are held in single-member constituencies, and the winner is the candidate with the plurality of votes, but not necessarily an absolute majority of the votes. Countries using this system include the United States, Great Britain, Canada, India, and many countries that were once part of the British Empire.
- ***Block Vote (BV)***: an application of FPTP in multimember rather than single-member constituencies. Voters have as many votes as there are seats to be filled, and the candidates with the highest number of votes fill the positions regardless of the percentage of the vote they actually receive. This system is used in some parts of Asia and the Middle East. (A variation of this is the "Party Block Vote" as used in Singapore and Mauritius: voters choose between parties rather than candidates, and the highest polling party wins all seats in the district.)
- ***Alternative Vote (AV)***: in this system, electors rank the candidates in order of choice. If no candidate has over 50 percent of first-preferences, lower order preference votes are transferred until a majority winner emerges. This system is used in Australia and some other South Pacific countries.
- ***Two Round System (TRS)***: two rounds of voting take place, often a week or two weeks apart. The first round is the same as an FPTP election and, if a candidate receives an absolute majority in this round, then this candidate is elected outright. If, however, no candidate has received an absolute majority, then a second round of voting (with a more limited number of candidates) is conducted, and the winner of this round is declared elected. This system is widely used in France, many former French colonies, and some parts of the former Soviet Union.

Semi-Proportional Electoral Systems:

- ***Single Non-Transferable Vote (SNTV)***: each elector has one vote, but there are several seats in the constituency to be filled, and the candidates with the highest number of votes fill these positions. This means that in a four-member constituency, for example, one would on average need only just over 20 percent of the vote to be elected. This system is used in Jordan and Vanuatu (and was used in Japan until 1993).
- ***Limited Vote (LV)***: this system is similar to SNTV, except that voters are permitted to cast more than one vote – but fewer votes than there are seats to be filled. This system is used in the Spanish upper house and in Gibraltar.
- ***Parallel Systems***: use both PR lists and single-member constituencies running side-by-side (hence the term parallel). Part of the parliament is elected by List PR; the other part is elected by some type of plurality or majority election. Because the seats elected via List PR are not designed to compensate for any disproportionality in the constituency component of the election, parallel systems can produce results as disproportional as plurality-

majority ones. Parallel systems are used in Russia, Japan, South Korea, Thailand, and the Philippines, as well as other countries.

Proportional Representation Electoral Systems:

- ***List Proportional Representation (List PR)***: this is the most common type of PR. Most forms of List PR are held in large, multimember constituencies that maximize proportionality. List PR requires each party to present a list of candidates to the electorate. Electors vote for a party (or, in the case of an open list, for candidates within a certain party); parties receive seats in proportion to their overall share of the national vote. This system is widely used in continental Europe and Latin America.
- ***Mixed Member Proportional (MMP)***: this system attempts to combine the positive attributes of both majoritarian and PR electoral systems. A proportion of the parliament (often half) is elected by plurality-majority methods, usually from single-member constituencies, while the other seats are filled via the PR Lists. The PR seats are used to compensate for any disproportionality produced by the constituency seat results. This system is used in Germany, New Zealand, Bolivia, Mexico, Venezuela, Italy, and Hungary, as well as other countries.
- ***Single Transferable Vote (STV)***: this system employs small multimember constituencies, and voters are required to rank candidates in order of preference in the same manner as the Alternative Vote. After the first-place preferences are tallied, a “quota” of votes is established, which a candidate must achieve to be elected. Any candidate who has more first preferences than the quota is immediately elected. If no one has achieved the quota, the candidate with the lowest number of first-preferences is eliminated, and their second preferences are redistributed among remaining candidates. The surplus votes of elected candidates (i.e., those votes above the quota) are redistributed according to the second preferences on the ballot papers until all seats for the constituency are filled. This system is well-established in Ireland and Malta.

Part II

Action Plans

Chapter 2

Constituency Delimitation in Georgia

Dr. Lisa Handley
September 2004

Constituency Delimitation in Georgia

Dr. Lisa Handley • September 2004

Background

Introduction

This Delimitation Equity Action Plan identifies issues surrounding the delimitation of electoral constituencies in Georgia. The Plan provides a description of the current electoral districts in Georgia, and discusses problems that have arisen as a result of the current approach to delimitation. The Plan offers recommendations to improve the process, stressing the need to employ practices that will result in more equitable electoral constituencies.

Delimitation Equity Project A fair and accurate delimitation process is fundamental to the long-term political stability of representative governance. Many developing and evolving democracies face the technically difficult and politically sensitive task of constituency delimitation with little capacity for the undertaking. The Delimitation Equity Project is designed to provide information and training to enhance the technical administration of the delimitation process, and a monitoring methodology to enhance the transparency of the process. By strengthening capacities in these two areas, confidence in the outcome of the delimitation processes will increase, reducing the prospects of conflict, boycott, or voter cynicism and apathy.

The capacity to conduct delimitation exercises is hampered by: 1) insufficient knowledge; 2) limited technical skills; and 3) a lack of transparency. The objective of the Delimitation Equity Project is to provide public agencies responsible for delimitation with technical assistance; and to develop instruments for creating a more transparent delimitation exercise – one that can be monitored by civil society organizations and political party agents. The Project will ultimately identify a framework for standards and practices that will be promoted for endorsement by associations of election officials and intergovernmental organizations.

Georgian Case Study Georgia was chosen as the subject of an Action Plan case study because both the Georgian Central Election Commission (CEC) and the OSCE have identified the existing electoral boundaries as a matter of serious concern.[34] There is little uniformity in population across the electoral districts, with districts ranging in population from as few as 5,000 people to as many as more than 180,000 people.[35] This population disparity produces drastically unequal representation because each district elects one, and only one, representative to Parliament.

[34] See, for example, the OSCE Report entitled "International Election Observation Mission: Parliamentary Elections, Georgia – 2 November 2003, Preliminary Findings and Conclusions" (page 4); and the Central Election Commission's memo entitled "Concept of Reform and Development of Election Administration" (3.2.2).

[35] According to the 2002 National Population Census of Georgia, the smallest district (Kazbegi) has a population of 5,264; the largest district (Kutaisi) has a population of 180,822.

The problem of unequal electoral districts, and potential ways of resolving it, is a current subject of debate in the Committee for Regional and Self-Governance Policy, a Georgian parliamentary committee established to consider both a revision of the electoral system (including the delimitation of electoral districts) and the possible reorganization of governmental authority – a reorganization that could entail the delimitation of new territorial/administrative divisions in Georgia.

Recent Georgian Political History

In November 2003, Georgians were successful in overthrowing their leader in a surprisingly peaceful protest movement referred to as the Rose Revolution. Georgia's politics are now dominated by the broad-based National Movement-Democrats, led by American-educated Mikhail Saakashvili. The public, which overwhelmingly supported the Rose Revolution and elected Saakashvili to the office of president with over 96 percent of the vote, has high expectations that conditions in the country will improve. There is no question, however, that the new government faces some very challenging issues ahead: grim economic conditions, widespread corruption and government inefficiency, and the secessionist demands of Abkhazia and South Ossetia are just a few of the problems confronting Saakashvili and the recently elected parliament.

Independence from the Soviet Union Following a referendum in which Georgians overwhelming voted for independence,[36] the Supreme Council of the Republic of Georgia declared independence from the USSR on April 9, 1991. In May of 1991, the first presidential elections in the history of Georgia were held and nationalist Zviad Gamsakhurdia won the election with over 85 percent of the vote. Less than a year after his victory, however, Gamsakhurdia was deposed, amidst intense street fighting, in a coup d'etat led by the newly formed National Guard and the Mkhedrioni parliamentary group. After Gamsakhurdia was expelled from the country, Eduard Shevardnadze, a Georgian serving as the Soviet Foreign Minister, was invited to lead the country.

The Shevardnadze Era Shevardnadze was appointed head of the newly formed Georgia State Council in March 1992, and in October of the same year he was elected chairman of the parliament. In 1995 the post of president was restored and in the presidential election later that year, Shevardnadze won in a landslide victory. He was re-elected in 2000 with over 78 percent of the vote.

Over the years, protests against President Shevardnadze grew, especially after security forces attempted to close the offices of an independent television station. As a result of increasing protest, the cabinet collapsed. Street demonstrations intensified, with demonstrators blaming the President for the country's continuing corruption, crime and poverty.

The Rose Revolution The Rose Revolution brought an end to the 11 year reign of Shevardnadze. The immediate cause of this political upheaval was the seriously flawed November 2003 parliamentary elections, which were marked by widespread and

[36] On March 31, 1991 the Georgian government held a referendum in which 93 percent voted in favor of independence (in an election in which 95 percent of the eligible voters turn out to vote).

systematic fraud.[37] Shevardnadze lost the support of the international community and Georgian citizens with his failure to organize free and fair elections.

The outgoing speaker of the parliament, Nino Burjanadze, and opposition leaders Mikhail Saakashvili and Zurab Zhvania refused to accept the results of the parliamentary elections and launched massive street protests. Opposition forces seized the parliament building and Shevardnadze declared a state of emergency. On November 23, 2003, Shevardnadze announced his resignation.

After the resignation of Shevardnadze, Burjanadze was appointed Interim President, Zhvania became State Minister and Saakashvili became the joint presidential candidate of the ruling coalition. In the presidential election of January 4, 2004 – largely seen as a barometer for the approval or disapproval of the Rose Revolution – Saakashvili was elected with an overwhelming 96 percent of the votes. New parliamentary elections followed in March 2004.

Georgia's Separatist Regions: Abkhazia and South Ossetia One of the priorities identified by Saakashvili after he assumed the presidency was to re-assert Georgian territorial integrity through re-unification with the breakaway regions of Abkhazia and South Ossetia,[38] and increased control over the problematic region of Adjara. In May 2004 Saakashvili was successful in re-asserting Georgian control over the autonomous region of Adjara.[39]

Abkhazia During the Soviet era, Abkhazia and Georgia were joined in a single republic, with Abkhazia having the status of an autonomous republic within Georgia. In 1990, the Abkhazian Supreme Soviet proclaimed independence; the Georgian government, however, was adamant that Abkhazia be part of a united Georgia. The political dispute turned into a military conflict in 1992 and 1993, with as many as 10,000 people dying and more than 300,000 people displaced. Abkhaz separatists, backed by Russian forces, ultimately succeeded in driving the Georgian army out of the province.

In 1994, a peace agreement was signed between Georgia and Abkhazia under the auspices of the United Nations. Despite the cease-fire agreement, armed clashes continue and UN peacekeeping forces (UNOMIG) and Russian troops (CISPKF) remain stationed in this region.

[37] International observers alleged numerous voting irregularities in the parliamentary elections. Official results declared Shevardnadze's party the winner of the elections.

[38] Abkhazia and South Ossetia together comprise more than 15 percent of the total Georgian territory.

[39] Through diplomacy and the threat of military intervention, Saakashvili forced the resignation of Aslan Abashidze, who had ruled the region for 13 years. After a smaller second "Rose Revolution" in the streets of Batumi, Abashidze fled the country and his party (Revival) collapsed. A new constitution for Adjara was subsequently adopted – one which strengthened the control of the Georgian central government over the area. New elections for the local parliament, the Supreme Council of Adjara Autonomous Republic, were held in June 20, 2004. President Saakashvili's supporter Victorious Adjara won a landslide victory with 75% of votes. (The Republican Party, which was a major contender to the pro-Saakashvili party and the only opposition force to ex-Adjarian leader Aslan Abashidze for most of the past decade, gained only 9% support.)

Independence for the region has been rejected by Georgia and by the international community. Russia, however, has withdrawn its approval of the document drafted by former UN special envoy Dieter Boden, which defined Georgia as a sovereign state and Abkhazia as a sovereign entity within – and an integral part of – Georgia.

South Ossetia In 1989 the region of South Ossetia demanded either increased autonomy within Georgia or a union with Russian North Ossetia. During 1989-1991, a conflict ensued, killing more than 1,000 people and displacing over 60,000 people. A cease-fire agreement was signed in 1992 and a peacekeeping force consisting of Russian, Ossetian and Georgian troops, known as the Joint Peacekeeping Force (JPKF) was deployed in the area.

In November 2001, local presidential elections were held in the region. These were not recognized by the international community or by Georgian authorities. The winner of this election, Eduard Kokiti, has advocated making South Ossetia an associate member of the Russian Federation.

After a relatively calm few years, there was a dramatic upsurge in violence in June 2004. This was followed by a cease-fire in August, which has been violated several times since being announced. The dramatic terrorist attack on the school in Beslan, North Ossetia in September could lead to increased instability in the area. Following this attack, border controls between Georgia and Russia were strengthened.

Current Status of Delimitation in Georgia

Georgian Electoral System

The 1995 Constitution of Georgia establishes a democratic republic with a president and a bicameral legislature consisting of the Supreme Council (*Umaghiesi Sabcho,* or Parliament) and the Senate. The legislature, however, remains unicameral to date: the Senate has never been formed because the constitution calls for the upper chamber to be convened when the "territorial integrity" of the country is established (i.e., once Abkhazia and South Ossetia are under the control of the central Georgian government).[40]

The Georgian electoral system is a mixed system with 150 of the 235 members of the legislature elected via proportional representative (PR), with a closed party list and a seven percent threshold. Parties compete for these seats in a single nationwide constituency. The other 85 members are elected from single-member constituencies by majority vote.[41] (These 85 districts are often referred to as majoritarian districts, and the representatives who serve them are referred to as majoritarian members.)

[40] Article 4 of the Constitution states: "When conditions are appropriate and self-government bodies have been established throughout the territory of Georgia, Parliament shall be formed with two chambers: the Council of the Republic and the Senate." The Senate is to be composed of representatives elected from the federal units and five members appointed by the President.

[41] The constituency elections are majoritarian, with two rounds of voting necessary if one of the candidates competing does not receive a majority of the votes in the first election.

There is no mechanism for remedying any seats-to-votes disproportionality arising from the single-member constituency elections – the PR list seats are not used to compensate for any disproportionality within the majoritarian districts.[42] This type of mixed electoral system is referred to as a parallel system and is considered a semi-proportional, rather than a proportional, electoral system. Because Georgia employs a parallel system, parliamentary elections can produce disproportional results, with the ruling party often being over-represented at the expense of other parties.

March 2004 Parliamentary Elections

In the March 2004 elections, only the 150 PR seats within the 235 seat Parliament were contested. Although the Georgian Supreme Court ruled the November 2003 parliamentary elections invalid, the Court stipulated that new elections were necessary only for the 150 PR seats. Members of parliament (MPs) elected from majoritarian constituencies were allowed to retain their seats without submitting to a new round of elections.

Besides the ruling National Movement-Democrats, 16 parties and electoral blocs took part in the elections. As in other recent elections, voting did not take place in Abkhazia or in the districts of Java and Tskhinvali (South Ossetia), which have not been under the *de facto* control of the Georgian authorities since armed conflicts there in the early 1990s.[43]

The OSCE described the 2004 parliamentary elections as the most democratic since Georgian independence.

The final results, including the majoritarian component of the elections (elections for parliament were held in two electoral constituencies), were as follows:

Table 2.1: Results from March 28, 2004 Parliamentary Elections[44]

Parties and Blocs	Leader(s)	Percent of Vote (Proportional)	Seats (Proportional)	Seats (Majoritarian)	Total Seats
National Movement – Democrats	Mikhail Saakashvili	66.24	135	18	153 (65.10%)
The Rightist Opposition – Industrialists and the Novas	David Gamkrelidze and Gogi Topadze	7.56	15	8	23 (9.78%)

[42] If party list seats are allocated in a manner that counterbalances any partisan disproportionality occurring as a result of the single-member district elections, the electoral system is called a mixed-member proportional system. Germany, Hungary and New Zealand are examples of countries that employ a mixed-member proportional electoral system.

[43] The MPs representing Abkhazia in the Georgian parliament were elected in 1992. Their terms have subsequently been extended with each subsequent parliamentary election.

[44] On March 28, 2004, only the proportional component of the parliamentary elections was repeated, together with two majoritarian contests (in Bolnisi and Chiatura). The results reported here can be found in the OSCE Report: "Georgia: Partial Repeat Parliamentary Elections 28 March 2004." The results are also on the web on the IFES Election Guide (www.electionguide.org).

Parties and Blocs	Leader(s)	Percent of Vote (Proportional)	Seats (Proportional)	Seats (Majoritarian)	Total Seats
Georgian Labour Party	Shalva Natelashvili	6.01	0	3	3 (1.27%)
Tavisupleba - Political Movement "Freedom"	Konstantin Gamsakhurdia	4.39	0	0	0
Democratic Revival Movement	Aslan Abashidze	3.86	0	6	6 (2.55%)
National Democratic Party (NDP) – Traditionalists	Akaky Asatiani and Bachuki Kardava	2.55	0	0	0
Ertroba Bloc	Dzhumber Patiashvili	2.47	0	0	0
For New Georgia	Eduard Shevardnadze	N/A	0	19	19 (8.08%)
Abkhazia MPs elected 1992		N/A	0	11	11 (4.68%)
Independents		N/A	0	21	21 (8.93%)

The most powerful political force in the country is the National Movement-Democrats, which has been the ruling coalition since the Rose Revolution. The party unites President Saakashvili's National Movement, Prime Minister Zhvania's United Democrats, the Republican Party, supporters of Parliamentary Speaker Burjanadze and the supporters of ex-President Zviad Gamsakhurdia – the Union of National Forces.

Because the ruling party is very popular and because it currently holds a super-majority of the seats in parliament, the party has been very successful in instituting a wide variety of reforms. Parliament is currently engaged in, for instance, efforts to draft a new constitution, reorganize the structure of government and redesign the electoral system.

Delimitation of Administrative Divisions

Current Administrative-Territorial Divisions Georgia is composed of two autonomous republics, Abkhazia and Adjara, nine regions and the capital city of Tbilisi. These territorial divisions are as follows:

Two autonomous republics:

- Abkhazia
- Adjara

Nine regions:

- Shida Kartli
- Kvemo Kartli
- Samtskhe-Javakheti
- Samegrelo-Zemo Svaneti
- Racha-Lechkumi and Kvemo Svaneti
- Mtskheta-Mtianeti
- Kakheti
- Imereti
- Guria

Currently, the Georgian central government does not exercise control over the breakaway areas of Abkhazia and South Ossetia (which is in the Shida Kartli region). Russian peacekeepers, under the authority of the Commonwealth of Independent States (CIS), are stationed in these areas and outbreaks of violence continue in both of these areas.

The following is a map of Georgia depicting the two autonomous republics and the nine regions:

Figure 2.1: Autonomous Republics and Regions of Georgia

All of the regions (and autonomous republics) have been subdivided into administrative units called rayons. These 67 rayons were established by the Soviets for administering local government. The size – and especially the population – of these rayons vary dramatically across the country.

Local Governmental Structure Georgia has a four-tier system of government, with the central government holding most of the power. The four levels of government are depicted in the figure below:

Figure2.2: Four Levels of Government

Level 1: Community	Villages, agglomeration of villages, towns, cities (approximately 1000)
Level 2: Rayon	Rayons (60) and special status cities (7)
Level 3:Region	Regions (9) and Autonomous Republics (2)
Level 4: Central	Central (national) government

The parliament is currently considering a reorganization of the governmental structure – most members of parliament support the decentralization of government, but disagreement appears to exist as to where to shift governmental authority. There does seem to be consensus among MPs that governmental authority should not devolve from the central government to the level of the rayons. In fact, many MPs would like to abolish, or at least considerably downplay, governmental power at the level of the rayon.

The objections offered by MPs to the rayon system of government are at least twofold: the number of rayons is too great (resulting in too much bureaucracy) and the population of the rayons, in many cases, is too small to produce a viable tax base. MPs also object to the "arbitrary" nature of the rayons – rayons are territorial units devised by the Soviets with little regard to the local culture or history. (And, of course, the fact that the Soviets imposed the system probably has some impact on the unpopularity of the rayons.)

Notwithstanding the strong support for reorganizing the current governmental structure, and despite agreement among MPs that the rayon should not be the recipient of the responsibilities shifted away from the central government, no clear consensus has emerged as to which administrative units should replace the rayons in the governmental structure. Some MPs advocate a federal system in which the nine regions (and the autonomous republics) are granted considerably more power; others promote the creation of a new layer of administrative divisions and argue that these new administrative divisions should be the beneficiary of any decentralization initiative.

Possible Delimitation of New Administrative Divisions Giorgia Bokeria, Deputy Head of the Parliamentary Legal Department, objects to the shift of governmental power to the regional level for a couple of reasons: (1) he believes that focusing power at the level of the regions would promote "tribalism" and perhaps even lead to more separatist movements; and (2) he argues that the delimitation of some of the regions is quite controversial: for example, the culturally unified community of Svaneti is now divided between two regions, Samegrelo – Zemo Svaneti and Racha-Lechkumi – Kvemo Svaneti, and many Svanetis would like to see the area placed in a single region.[45]

Bokeria's solution is to delimit new "regions" – replacing the traditional nine regions with 20 or 25 newly created administrative units. According to Bokeria, the Prosecutors' Office has proposed a plan creating 20-25 administrative divisions for the courts to utilize. He suggests that Georgia adopt a similar scheme for its federal system.

Delimitation of Electoral Constituencies

There are 85 constituency representatives – also referred to as majoritarian MPs – in Georgia, 75 representing single-member constituencies. The other ten MPs represent Abkhazia, and were elected in 1992. There have been no elections for the Georgian parliament in the breakaway region of Abkhazia since 1992, hence the mandate of the Abkhazia MPs has simply been extended.

The 75 single-member constituencies are almost all individual rayons. More precisely, the 75 constituencies are as follows:

[45] Interview with Giorgia Bokeria, Deputy Head of the Legal Department of the Georgian Parliament, July 21, 2004.

- 64 rayons (including special status cities, but not including rayons in the breakaway areas of Abkhazia and South Ossetia, or the rayons in Tbilisi)
- 10 Tbilisi districts
- 1 newly created constituency in the gorge region of South Ossetia

The rayons were demarcated by the Soviets for administrative purposes. Little attention was paid to the population of these geographic units. Today these units vary quite dramatically in size: the smallest rayon, Kazbegi, has a population of 5,264; the largest rayon, the city of Kutaisi, has a population of 180,822. The Appendix to this report contains a list of the all of the single-member constituencies, their total populations, and the number of registered voters for the 2004 parliamentary elections in each of constituencies.

Possible Delimitation of New Electoral Districts The Parliamentary Committee for Regional and Self-Governance Policy has been asked to develop proposals on the reorganization/decentralization of government and the delimitation of new electoral districts. In fact, the Committee is considering the elimination of electoral districts altogether and the establishment of a new electoral system.

The issues of reorganization and delimitation are inter-related: modifications to the electoral system may depend on how government authority is restructured, in particular, whether rayons are abolished and new administrative divisions created. On the other hand, the adoption of certain electoral systems may preclude the need to delimit any electoral districts – or at least any single-member constituencies.

Problems Arising From Delimitation

Malapportioned Electoral Constituencies

The degree to which constituencies vary by population is quite problematic. The smallest rayon, Kazbegi, has a population of 5,264; the largest rayon, the city of Kutaisi, has a population of 180,822. Both of these constituencies – and all of Georgia's electoral constituencies – elect a single representative to parliament. Table 2.2, below, lists the 75 constituencies, the population of each constituency, and the percent by which each constituency's population deviates from the population quota.[46]

[46] The population quota is calculated by dividing the total population of Georgia by the number of parliamentary districts in Georgia.

Table 2.2: Population and Percent Deviation from Population Quota, Parliamentary Constituencies

Constituency (Rayon)	Total Population	Percent Deviation from Population Quota
Mtatsminda	63,677	8.22
Vake	138,227	134.92
Saburtalo	122,999	109.04
Krtsanisi	50,052	-14.93
Isani	124,965	112.38
Samgori	119,088	102.40
Chugureti	63,715	8.29
Didube	88,333	50.13
Nadzaladevi	177,560	201.77
Gldani	135,470	130.24
Sagaredjo	59,428	1.00
Gurdjaani	72,084	22.51
Signagi	43,584	-25.93
Dedoplistkaro	30,911	-47.47
Lagodekhi	51,119	-13.12
Kvareli	38,014	-35.39
Telavi	70,254	19.40
Akhmeta	41,000	-30.32
Tianeti	14,005	-76.20
Rustavi	116,175	97.45
Gardabani	112,886	91.86
Marneuli	117,660	99.97
Bolnisi	74,243	26.18
Dmanisi	28,062	-52.31
Tsalka	20,226	-65.62
Tetritskaro	25,039	-57.44
Mtsketa	65,248	10.89
Dusheti	33,731	-42.67
Kazbegi	5,264	-91.05
Kaspi	52,443	-10.87
Akhalgori	7,650	-87.00
Gori	148,550	152.47
Kareli	50,317	-14.48
Khashuri	63,140	7.31
Borjomi	33,074	-43.79
Akhaltsikhe	45,741	-22.26
Adogeni	21,171	-64.02
Aspindza	13,106	-77.73
Akhalkalaki	60,486	2.80
Ninotsminda	32,561	-44.66
Oni	9,182	-84.39
Ambrolauri	16,225	-72.42
Tsageri	16,558	-71.86
Lentekhi	8,992	-84.72
Mestia	14,621	-75.15
Kharagauli	27,941	-52.51
Terdjola	45,485	-22.70
Satchkhere	46,261	-21.38

Constituency (Rayon)	Total Population	Percent Deviation from Population Quota
Zestaponi	75,077	27.60
Bagdadi	29,446	-49.95
Vani	34,141	-41.98
Samtredia	60,429	2.70
Khoni	31,757	-46.03
Tchiatura	53,998	-8.23
Tkibuli	30,684	-47.85
Tskhaltubo	73,304	24.58
Kutaisi	180,822	207.32
Ozurgeti	78,661	33.69
Lanchkhuti	40,347	-31.43
Chokhatauri	24,118	-59.01
Abasha	28,552	-51.47
Senaky	52,093	-11.47
Martvili	44,180	-24.91
Khobi	41,062	-30.21
Zugdidi	166,463	182.91
Tsalendjikha	39,945	-32.11
Chkhorotsku	29,443	-49.96
Poti	47,199	-19.78
Batumi	122,207	107.70
Keda	20,144	-65.76
Kobuleti	87,968	49.51
Shuakhevi	21,833	-62.89
Khelvachauri	90,858	54.42
Khulo	32,821	-44.22
Liakvi[47]		

Given a population quota of 58,839,[48] the total population deviation of the parliamentary constituencies is almost 300 percent – the absolute value of the smallest and largest percent deviations added together (91.05 in Kazbegi and 207.32 in Kutaisi).

A total population deviation of 300 percent is quite high; most consolidated democracies that have established tolerance limits for population deviations have set the limit at around plus/minus ten percent, producing a total population deviation of no more than 20 percent. The OSCE, in the report prepared following the 2003 parliamentary elections (the last elections in which constituency seats were contested) concluded that the Georgian Unified Electoral Code "failed to ensure the equality of the vote, as some

[47] Liakvi is the new constituency in the gorge area of South Ossetia. No population data was collected for this area. The turnout in this area for the 2004 presidential election (approximately 7500 voters) indicates that this is one of the smallest constituencies, however.

[48] The total population of Georgia, minus the breakaway regions of Abkhazia and South Ossetia, is 4,354,076 according to the 2002 census. Dividing this population by the number of constituencies (which is 74 if the new constituency in the gorge region of South Ossetia for which there is no population data is excluded) produces a population quota of 58,839.

constituencies have many more electors than others, which challenges OSCE commitments and other international election standards."[49]

Clearly the malapportionment of electoral constituencies is a problem that the Parliament, perhaps in conjunction with the CEC, should address well in advance of the next parliamentary elections in 2008. If a new electoral system – one that does not rely on single-member constituencies – is not in place by 2008, electoral constituencies should be redrawn. Enormous disparities in constituency population violate a central tenet of democracy that all voters should cast a vote of equal weight. The significantly unequal representation found in Georgia could lead voters to question the legitimacy of the electoral system.

Status of Second Legislative Chamber in Limbo while Delimitation Issues Remain Unresolved

Although the Parliament is now unicameral, under the terms of the 1995 Constitution Parliament is to be composed of two chambers: the Council of the Republic, and the Senate.[50] Article 4 of the Constitution states that the Senate is to convene "when conditions are appropriate and self-government bodies have been established throughout the territory of Georgia." The Senate is to consist of members elected from (1) the republics of Abkhazia and Adjara, (2) the other territorial units of Georgia, and (3) five members appointed by the President of Georgia.

The entry into force of Article 4 has been impeded by the lack of a settlement of the conflicts in the separatist areas of Abkhazia and South Ossetia. The second legislative chamber can assemble only under one of two conditions:

1. the conflicts in Abkhazia and South Ossetia are resolved, and the two areas are re-incorporated into Georgia
2. the Constitution is amended to permit the assembly of the Senate minus the breakaway areas of Abkhazia and South Ossetia

Even if one of these two conditions is satisfied, obstacles to the establishment of the Senate remain. For example, should Abkhazia and South Ossetia be re-unified with Georgia, one of the decisions that would still have to be made would be how many senators to allocate to the two autonomous republics (Abkhazia and Adjara), to the "autonomous region" of South Ossetia, and to the other territorial units of Georgia. In fact, defining the composition of the future Senate could be one of the keys to resolving the secessionist conflicts.

If the Constitution was to be amended such that the Senate could convene even if one or both of the breakaway areas remained outside of the control of the Georgian central government, the issues of which territorial units – the currently established regions/republics, the rayons, or perhaps some newly devised territorial/administrative

[49] OSCE Report entitled "International Election Observation Mission: Parliamentary Elections, Georgia – 2 November 2003, Preliminary Findings and Conclusions," page 4.

[50] The Constitution does not stipulate the division of powers between the two chambers – this would have to be done once it was determined that the Senate is to be convened.

units – would be granted representation in the Senate, and how many representatives each unit would receive, would still remain.

Action Plan

The objective of this Action Plan is to provide general recommendations for modifying the electoral structure in Georgia so that it is deemed more legitimate by stakeholders in the process and by the international community. This Action Plan is not a detailed operational plan; an operational plan will have to be devised at a later date in conjunction with the authority or commission charged with devising a new electoral system and amending the constitution.

Revise Electoral System and Eliminate the Need to Redraw Electoral Constituencies

Parliament is currently contemplating an alteration of the electoral system. One impetus for this change is the referendum passed in 2003 reducing the number of parliamentary seats from 235 to 150. (Unlike the results of the proportional component of the 2003 parliamentary elections, the results of this referendum have been accepted.) The current plan is to allocate 100 seats to the lower chamber, and the remaining 50 seats to the Senate.

A decrease in parliamentary seats is not the only change envisioned: Parliament is also giving serious consideration to revising the electoral system. If the electoral plan supported by the MPs from the Committee for Regional and Self-Governance Policy is approved, the lower chamber would convert from a parallel electoral system (with 150 members of parliament elected through a proportional system from party lists, and the remaining 85 MPs elected from constituencies corresponding to Georgia's rayons) to a pure proportional representation system with all 100 members elected via party list.

The strongest arguments in favour of a pure List PR system are that (1) this type of electoral system avoids the anomalous election results (seats-to-votes ratios) of plurality-majority and semi-proportional systems,[51] and (2) a pure PR system facilitates the election of a more representative legislature. For many newly emerging democracies, the inclusion of all significant groups in the parliament is an important condition for democratic consolidation.

Another advantage associated with electing all 100 lower chamber representatives by List PR is that this would alleviate the need to redraw electoral constituencies – especially if a single, nationwide constituency was used to elect MPs (as is currently used to elect the 150 List PR seats).

An important disadvantage associated with pure List PR, however, is that the geographical areas from which representatives are elected can be quite large – especially in the case of a single, nationwide constituency. And the larger the

[51] The parallel electoral system currently used in Georgia is best described as a semi-proportional electoral system.

geographic constituency employed, the weaker the link between voters and their representatives.

The adoption of a *regional* List PR system, on the other hand, would provide voters with a geographic link to specific representatives. It would also permit the use of an open party list should Georgian voters and the parliament at some point be so inclined.[52] (An open list with a single, nationwide constituency would simply be too cumbersome for election administrations and voters to manage.)

Parliament would have to decide which set of administrative units – the currently established regional boundaries or some alternative set of administrative units[53] – to utilize in order to implement a regional List PR system. Once this decision was made, parliamentary seats would then have to be allocated to these geographic units on the basis of population. These "electoral constituencies" would presumably never be redrawn, but seats would have to be re-allocated to these territorial units periodically to reflect shifts in the population.

Although a regional List PR system is probably a better choice for parliamentary elections in Georgia in the long run, the decision of which territorial units to employ may be complicated. (This issue is discussed in more detail below.) Should no consensus be reached on whether to substitute the current regions in Georgia with a new set of administrative-territorial divisions (not only for the purpose of regional List PR in the lower chamber, but also for electing senators to the upper chamber and for restructuring governmental power), then electing all members of the lower chamber from a single, nationwide constituency via List PR certainly provides a better option than conducting some number of single-member district elections using rayons as constituencies.

Amend Constitution to Convene Second Legislative Chamber

The 1995 Constitution calls for a bicameral legislature once the territorial integrity of Georgia is assured. Resolution of the separatist conflicts in Abkhazia and South Ossetia do not appear to be imminent, hence establishing a second chamber cannot occur any time in the near future unless the constitution is amended.

The establishment of two legislative chambers, rather than a single one, is often a good idea, particularly in countries that wish to establish or perpetuate a federal system of government.[54] In fact, the most common use of the second chamber is to represent the constituent units of the federation.[55] Other advantages of bicameralism include (1) the opportunity for enhanced oversight of the executive branch, (2) the facilitation of a more

[52] Georgia currently elects MPs using a closed party list.

[53] If the traditional regions are redrawn, or if a new set of administrative divisions are created to substitute for rayons and possibly for regions (see discussion below entitled "Change in the Structure of Government"), then these would presumably be the geographic units used to elect MPs.

[54] Members of parliament have repeatedly expressed the desire to decentralize power in Georgia. The establishment of a second legislative chamber designed specifically to represent the interests of the territorial/administrative units where central power is meant to devolve is likely to contribute to this endeavor.

[55] For example, states are represented in the upper chambers of the legislatures in the US, Australia and Germany.

deliberative approach to legislation, and (3) the ability to formally represent a more diverse constituency, which can be particularly important in ethnically heterogeneous countries such as Georgia.[56]

One popular proposal currently being considered in Georgia is the adoption of a federal-style Senate, with the 50 senate seats delegated to territorial/administrative units yet to be determined. Regardless of which territorial unit is ultimately decided upon, there is an understanding that the units will be accorded equal representation, rather than representation on the basis of population, in the Senate.[57] Moreover, there appears to be a consensus that the territorial units adopted will serve the dual purpose of electing representatives to the Senate and administrating local government. As a consequence, it may well be the case that at least the reorganization of government (if not the conflicts in Abkhazia and South Ossetia) must be resolved before the Senate can be convened.

Change in the Structure of Local Government

Members of the Committee for Regional and Self-Governance Policy have indicated that one of the most pressing issues before the Committee is the decentralization and reorganization of governmental power. There appears to be a strong consensus within the Parliament for reorganizing the current structure (there are four levels of government: the central government, and the regional, rayonal and local community levels of government) and, in particular, for dissolving the rayon system and substituting an alternative territorial/administrative unit system in its place. These alternative territorial/administrative units – whether they are the currently existing regions or some newly delimited administrative units – are to be the primary recipient of devolved central governmental responsibility.[58]

Disagreement is evident as to what territorial units might replace the rayons: Some MPs have suggested that the currently existing nine regions (and one or two autonomous republics) be employed; others have indicated that some changes will have to be made before the regions are likely to be accepted (for example, Svaneti, which is currently divided between two regions, would have to be united in a single region); still others have indicated that the traditional regions should be scrapped altogether and a new set of territorial units devised (for instance, perhaps the 20-25 regions delimited by the Georgian Prosecutors' Office). The main reason for adopting the current regional structure is that most of the regions have a historical/cultural basis and are easily

[56] Among the newly emerging democratic states, several have replaced unicameral legislatures with bicameral ones, often to enhance oversight of the executive branch. The fall of the socialist system in East Central Europe and the dissolution of the Soviet Union, for example, lead to the adoption of bicameral legislatures in the Czech Republic, Poland, Romania, Kazakhstan and Tajikistan.

[57] The suggestion has been put forward that autonomous republics receive more representatives in the senate than other territorial units. Negotiating how many more seats is likely to be controversial, but is probably necessary – especially if the conflict in Abkhazia was to be resolved and Abkhazia is to be granted seats in the senate.

[58] The consensus for eliminating the rayons may not extend beyond parliament, however. For example, David Usupashvili, Advisor to IRIS, a part of the Center for Institutional Reform and the Informal Sector, indicated that many Georgian non-governmental organizations and independent experts are not convinced that the rayon system needs replacing. In Usupashvili's view, the regions proposed as substitutes are likely to be larger territorial units than the rayons and will therefore act to further distance constituents from their representatives.

recognized and accepted. One reason given for not elevating the traditional regions to the position of primary constituent unit of the federation is the fear that such a move could lead to additional separatist movements in some areas of the country.

Decentralizing power and reorganizing the federal power structure has been given a very high priority by MPs. Resolution of this issue is likely to be required before a new electoral system is instituted – or at least before the second chamber can be convened.

Convening the Senate

The next parliamentary elections are not scheduled until 2008; by then it is hoped that the separatist conflicts in Abkhazia and South Ossetia will be settled. But if these conflicts are not resolved, the current Constitution precludes the establishment of the Senate. The Constitution should be modified so that the "territorial integrity" of Georgia is not required to convene the upper chamber. The decision of which, if any, geographic units should replace the rayon as the primary recipient of central governmental authority must, however, be made if a federal system is to be put in place and representation in the Senate is to be meaningful.

Appendix: Total Population, 2003 Turnout and 2004 Registered Voters by Constituency (Rayon)

Constituency (Rayon) Name	Population 2002 (Tbilisi estimated based on Parliamentary Election 2003 Turnout)	Percent Deviation Ideal District Size from Actual District Size	Turnout Parliament Election of 2003	Percent Deviation Ideal District Size from Actual District Size 2003	Number of Registered Voters in Parliament Election of 2004	Percent Deviation Ideal District Size from Actual District Size 2004
Mtatsminda	63,677	1.08	18,106	0.77	29,672	0.94
Vake	138,227	2.35	39,304	1.68	61,898	1.95
Saburtalo	122,999	2.09	34,974	1.49	64,264	2.03
Krtsanisi	50,052	0.85	14,232	0.61	25,403	0.80
Isani	124,965	2.12	35,533	1.51	57,278	1.81
Samgori	119,088	2.02	33,862	1.44	69,757	2.20
Chugureti	63,715	1.08	18,117	0.77	31,508	0.99
Didube	88,333	1.50	25,117	1.07	42,670	1.35
Nadzaladevi	177,560	3.02	50,488	2.15	77,097	2.43
Gldani	135,470	2.30	38,520	1.64	73,299	2.31
Sagaredjo	59,428	1.01	24,417	1.04	31,249	0.99
Gurdjaani	72,084	1.23	25,477	1.09	46,985	1.48
Signagi	43,584	0.74	17,160	0.73	25,727	0.81

Constituency (Rayon) Name	Population 2002 (Tbilisi estimated based on Parliamentary Election 2003 Turnout)	Percent Deviation Ideal District Size from Actual District Size	Turnout Parliament Election of 2003	Percent Deviation Ideal District Size from Actual District Size 2003	Number of Registered Voters in Parliament Election of 2004	Percent Deviation Ideal District Size from Actual District Size 2004
Dedoplistkaro	30,911	0.53	11,446	0.49	18,188	0.57
Lagodekhi	51,119	0.87	16,164	0.69	30,285	0.96
Kvareli	38,014	0.65	18,362	0.78	25,294	0.80
Telavi	70,254	1.19	26,724	1.14	44,810	1.41
Akhmeta	41,000	0.70	14,611	0.62	21,213	0.67
Tianeti	14,005	0.24	7,417	0.32	9,988	0.32
Rustavi	116,175	1.97	28,942	1.23	53,300	1.68
Gardabani	112,886	1.92	30,384	1.30	65,254	2.06
Marneuli	117,660	2.00	82,342	3.51	69,167	2.18
Bolnisi	74,243	1.26	39,465	1.68	36,174	1.14
Dmanisi	28,062	0.48	8,845	0.38	13,080	0.41
Tsalka	20,226	0.34	21,145	0.90	12,529	0.40
Tetritskaro	25,039	0.43	8,735	0.37	14,330	0.45
Mtsketa	65,248	1.11	21,986	0.94	34,465	1.09
Dusheti	33,731	0.57	14,430	0.62	19,759	0.62
Kazbegi	5,264	0.09	2,828	0.12	3,558	0.11
Kaspi	52,443	0.89	20,031	0.85	30,055	0.95

Constituency (Rayon) Name	Population 2002 (Tbilisi estimated based on Parliamentary Election 2003 Turnout)	Percent Deviation Ideal District Size from Actual District Size	Turnout Parliament Election of 2003	Percent Deviation Ideal District Size from Actual District Size 2003	Number of Registered Voters in Parliament Election of 2004	Percent Deviation Ideal District Size from Actual District Size 2004
Akhalgori	7,650	0.13	4,086	0.17	5,180	0.16
Gori	148,550	2.52	50,494	2.15	77,562	2.45
Kareli	50,317	0.86	19,025	0.81	31,485	0.99
Khashuri	63,140	1.07	19,902	0.85	37,811	1.19
Borjomi	33,074	0.56	12,994	0.55	18,209	0.57
Akhaltsikhe	45,741	0.78	16,566	0.71	25,560	0.81
Adogeni	21,171	0.36	10,372	0.44	13,950	0.44
Aspindza	13,106	0.22	3,862	0.16	7,744	0.24
Akhalkalaki	60,486	1.03	23,094	0.98	33,642	1.06
Ninotsminda	32,561	0.55	13,519	0.58	20,235	0.64
Oni	9,182	0.16	4,560	0.19	6,106	0.19
Ambrolauri	16,225	0.28	6,352	0.27	10,412	0.33
Tsageri	16,558	0.28	9,879	0.42	11,951	0.38
Lentekhi	8,992	0.15	4,920	0.21	5,722	0.18
Mestia	14,621	0.25	6,927	0.30	7,717	0.24
Kharagauli	27,941	0.47	12,913	0.55	16,986	0.54
Terdjola	45,485	0.77	18,463	0.79	27,237	0.86

Constituency (Rayon) Name	Population 2002 (Tbilisi estimated based on Parliamentary Election 2003 Turnout)	Percent Deviation Ideal District Size from Actual District Size	Turnout Parliament Election of 2003	Percent Deviation Ideal District Size from Actual District Size 2003	Number of Registered Voters in Parliament Election of 2004	Percent Deviation Ideal District Size from Actual District Size 2004
Satchkhere	46,261	0.79	17,198	0.73	26,724	0.84
Zestaponi	75,077	1.28	23,447	1.00	41,209	1.30
Bagdadi	29,446	0.50	12,221	0.52	17,578	0.55
Vani	34,141	0.58	16,316	0.70	23,785	0.75
Samtredia	60,429	1.03	25,157	1.07	35,785	1.13
Khoni	31,757	0.54	15,278	0.65	20,856	0.66
Tchiatura	53,998	0.92	20,791	0.89	30,866	0.97
Tkibuli	30,684	0.52	19,537	0.83	18,337	0.58
Tskhaltubo	73,304	1.25	33,741	1.44	39,779	1.26
Kutaisi	180,822	3.07	45,155	1.93	91,142	2.88
Ozurgeti	78,661	1.34	34,416	1.47	48,906	1.54
Lanchkhuti	40,347	0.69	19,755	0.84	24,243	0.77
Chokhatauri	24,118	0.41	16,380	0.70	16,753	0.53
Abasha	28,552	0.49	14,922	0.64	20,810	0.66
Senaky	52,093	0.89	35,463	1.51	33,612	1.06
Martvili	44,180	0.75	24,216	1.03	32,399	1.02
Khobi	41,062	0.70	17,803	0.76	24,845	0.78

Constituency (Rayon) Name	Population 2002 (Tbilisi estimated based on Parliamentary Election 2003 Turnout)	Percent Deviation Ideal District Size from Actual District Size	Turnout Parliament Election of 2003	Percent Deviation Ideal District Size from Actual District Size 2003	Number of Registered Voters in Parliament Election of 2004	Percent Deviation Ideal District Size from Actual District Size 2004
Zugdidi	166,463	2.83	48,174	2.05	86,651	2.74
Tsalendjikha	39,945	0.68	13,963	0.60	23,135	0.73
Chkhorotsku	29,443	0.50	14,479	0.62	20,188	0.64
Poti	47,199	0.80	15,295	0.65	27,349	0.86
Batumi	122,207	2.08	90,077	3.84	47,901	1.51
Keda	20,144	0.34	15,370	0.66	10,233	0.32
Kobuleti	87,968	1.50	64,925	2.77	43,092	1.36
Shuakhevi	21,833	0.37	15,674	0.67	10,890	0.34
Khelvachauri	90,858	1.54	73,560	3.14	36,603	1.16
Khulo	32,821	0.56	22,298	0.95	17,263	0.55
Liakvi			6,408	0.27	8,955	0.28

Chapter 3

Constituency Delimitation in Nigeria

Dr. Lisa Handley
July 2004

Constituency Delimitation in Nigeria

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Background

Introduction

This Delimitation Equity Action Plan identifies issues surrounding the delimitation of electoral constituencies in Nigeria. The Plan provides a description of current delimitation practices in Nigeria, and discusses some of the problems that have arisen as a result of the current approach. The Plan offers recommendations to improve the process, stressing the need to employ practices that will result in a more impartial, transparent and accurate delimitation of constituencies. It is hoped that this will reduce the conflict Nigeria is currently experiencing over electoral constituency boundaries.

Delimitation Equity Project A fair and accurate delimitation process is fundamental to the long-term political stability of representative governance. Many developing and evolving democracies face the technically difficult and politically sensitive task of constituency delimitation with little capacity for the undertaking. The Delimitation Equity Project is designed to provide information and training to enhance the technical administration of the delimitation process, and a monitoring methodology to enhance the transparency of the process. By strengthening capacities in these two areas, confidence in the outcome of the delimitation processes will increase, reducing the prospects of conflict, boycott, or voter cynicism and apathy.

The capacity to conduct delimitation exercises is hampered by: 1) insufficient knowledge; 2) limited technical skills; and 3) a lack of transparency. The objective of the Delimitation Equity Project is to provide public agencies responsible for delimitation with technical assistance; and to develop instruments for creating a more transparent delimitation exercise – one that can be monitored by civil society organizations and political party agents. The Project will ultimately identify a framework for standards and practices that will be promoted for endorsement by associations of election officials and intergovernmental organizations.

Nigerian Case Study Nigeria was chosen as the subject of an Action Plan case study because it has recently experienced violent electoral conflict related to constituency delimitation in the Niger Delta region. The conflict was sparked by a dispute in Warri that pitted the Urhobo and the Ijaws against the Iteskiris in a battle over the delimitation of local constituencies. The Urhobo and Ijaws claimed that the electoral districts in the region unfairly favored the Iteskiri at the expense of their own communities. The army was reportedly involved in attacks against the protesting communities. Several demonstrators were allegedly killed and over 1,600 people have been displaced by the conflict.[59]

The conduct of a credible delimitation process may reduce or alleviate future conflict over this issue. The recommendations offered by this Action Plan are aimed at

[59] *The Wall Street Journal*, Violence in Nigeria Oil Delta Threatens to Disrupt Elections, April 1, 2003.

generating a more credible delimitation – one that will be viewed by Nigerian voters as fair, impartial and transparent.

Importance of Delimitation in Nigerian Context

The significance of the delimitation process varies depending on the type of electoral system. Nigeria has a First Past the Post (FPTP) plurality electoral system that relies solely on single-member electoral districts (constituencies) for electing representatives to the parliament. Under this type of system, the number of parliamentary seats a political party receives depends not only on the proportion of votes it obtains, but also on where those votes are cast. Under a FPTP system, minority political parties whose supporters are not geographically concentrated usually obtain fewer seats than their proportion of the vote would suggest they are entitled. In addition, a FPTP system typically produces a super-majority of parliamentary seats for the party that achieves a simple majority of the votes. This propensity to win substantially more seats than votes can be exacerbated by gerrymandering electoral districts; that is, by drawing electoral districts that deliberately favor one political party at the expense of other political parties.

In the April 12, 2003 legislative elections in Nigeria, the People's Democratic Party (PDP) won 68.2 percent of the seats in the House of Representatives and 61.6 percent of the seats in the Senate with only slightly more than a majority of the votes cast in these elections (the PDP obtained 54.6 of the votes cast in House contests and 54.5 percent of the votes cast in Senate contests). The tables below, based on data obtained from the IFES Election Guide, provide more detailed information on the votes cast and the seats won by Nigerian political parties in the 2003 legislative elections:[60]

Table 3.1: Nigeria 2003 Election Results Summary: Senate[61]

Party	Votes	Percent Votes	Seats	Percent Seats
People's Democratic Party (PDP)	15858538	54.63	73	68.22
All Nigeria People's Party (ANPP)	8091783	27.87	28	26.17
Alliance for Democracy (AD)	2828082	9.74	6	5.61
United Nigeria Peoples Party (UNPP)	789705	2.72	0	0
National Democratic Party (NDP)	459462	1.59	0	0
All Peoples Grand Alliance (APGA)	429073	1.48	0	0
National Conscience Party (NCP)	148157	.51	0	0
Justice Party (JP)	28887	.10	0	0
Others	669420	2.31	0	0

[60] The IFES Election Guide (electionguide.org) results for the April 12, 2003 parliamentary election in Nigeria can be found at: http://209.50.195.230/eguide/resultsum/nigeria_par03.htm.

[61] The election results for the Senate are based on votes received from 107 of the 109 constituencies in Nigeria. The percentage of seats obtained by a political party is therefore calculated using 107 as the denominator.

Table 3.2: Nigeria 2003 Election Results Summary: House of Representatives[62]

Party	Votes	Percent Votes	Seats	Percent Seats
People's Democratic Party (PDP)	15927807	54.49	213	61.56
All Nigeria People's Party (ANPP)	8021531	27.44	95	27.46
Alliance for Democracy (AD)	2711972	9.28	31	8.96
United Nigeria Peoples Party (UNPP)	803432	2.75	2	.58
National Democratic Party (NDP)	561161	1.92	1	.29
All Peoples Grand Alliance (APGA)	397147	1.36	2	.58
Peoples Redemption Party (PRP)	222938	.76	1	.29
Peoples Salvation Party (PSP)	96550	.33	1	.29
National Conscience Party (NCP)	140401	.48	0	0
Justice Party (JP)	27751	.09	0	0
Others	322380	1.10	0	0

The propensity of FPTP electoral systems to produce disproportional election results means that special care should be given to the process for delimiting constituencies. It is important that the process be considered fair if the result is to be deemed legitimate by voters. This means that the boundary authority should act in a transparent and impartial manner, and the rules and administrative procedures guiding the delimitation should be spelled out in advance and adhered to by the boundary authority. In Nigeria, where the constituency boundaries have already come under attack, this is particularly important.[63]

Advantages and Disadvantages of Delimiting Districts Despite the possible controversy arising from delimitation, the constituency system in Nigeria does offer some advantages. The most important advantage is single-member constituencies provide a direct link between voters and their representatives. This allows voters to hold their representatives accountable – voting a representative out of office if he does not act in accordance with voters' wishes and returning him to office if the representative's performance merits it. A geographic link also facilitates the exchange of information between voters and their representatives and promotes community services on behalf of constituents. Another advantage to electoral districts (assuming candidates are required to reside in the districts they represent) is that they ensure geographic diversity in the assembly.

The most common argument against delimitation is that a districted system produces less than proportional election results. This can, in fact, be a high cost to pay for a geographic link between constituents and their representatives, especially in an emerging democracy.

[62] The election results for the House of Representatives are based on votes received from 346 of the 360 constituencies in Nigeria. The percentage of seats obtained by a political party is therefore calculated using 346 as the denominator.

[63] For example, the Ijaws, the largest tribe around the Warri area, complained that the constituency boundaries in the delta region were unfair and fighting broke out over this issue prior to the 2003 legislative elections. See, for example, "Violence in Nigerian Oil Delta Threatens to Disrupt Elections" Wall Street Journal Online, April 1, 2003 and "Put-putting to Democracy" Economist.com, April 17, 2003.

If the delimitation process is carried out in an open and impartial manner that makes it clear that political advantage did not play a role in the formation of the electoral district boundaries, however, then controversy – or at least an unacceptable amount of controversy – may be avoided. Although drawing districts can be a contentious process (it is quite polarizing in the United States, for example), it does not have to be. Even in plurality FPTP systems dependent entirely on single-member districts, the process can be quite routine and subject to little disagreement; in fact, in many countries that redistrict, the process rarely even registers on the political radar.[64]

Current Status of Constituency Delimitation in Nigeria

Electoral Framework for the Delimitation of Constituencies

Nigerian Electoral System Nigeria is a federal republic composed of 36 states and the federal capital territory of Abuja (FCT). In addition, the states there are subdivided into 774 local government areas (LGAs), ranging in number from eight LGAs in Bayelsa to 44 LGAs in Kano.[65]

The president and the bicameral National Assembly draw their authority from the 1999 Constitution. The National Assembly is composed of two chambers: the 109-member Senate and the 360-member House of Representatives. All members of the National Assembly are elected from single-member constituencies.

Federal Constituencies There are three senators from every state, each elected from a single-member constituency, plus one senator from the FCT. The 360 members of the House of Representatives are also elected from single-member constituencies, none of which cross state boundaries.

The 1999 Constitution stipulates that each federal constituency shall be "as contiguous as possible" and that "the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable" (1999 Constitution, Section 72).[66]

The responsibility for delimiting constituencies falls on the Independent National Electoral Commission (INEC) and INEC is to review senatorial and federal constituencies at "intervals of not less than ten years," according to the constitution. In addition, INEC may carry out a review at any time as a consequence of "a change in state boundaries" or the "holding of a census of the population" or pursuant to an Act of the National Assembly (1999 Constitution, Section 73).

[64] Constituency delimitation is rarely controversial in the United Kingdom and Australia, for example.

[65] There are six LGAs assigned to the federal capital territory of Abuja.

[66] The population, or electoral, quota is the "ideal" population size of a constituency based on the number of constituencies and the population of the geographic territory to be delimited. It is arrived at by dividing the population by the number of constituencies. When the 1996 delimitation exercise was carried out, the population quota was calculated as 102,514,412 / 360 = 284,762. (See the in-house seminar paper, "Mechanism for Delimitation of Electoral Constituencies," by A.A. Kagara, Director of Operations, Independent National Electoral Commission, 23 June 2004.)

State Constituencies Constituency boundaries for state assemblies – each state has a unicameral assembly – are also the responsibility of INEC. INEC must determine the number of representatives, and therefore the number of constituencies, to which each state is entitled. The constitution stipulates that INEC shall divide every State into such number of State constituencies as is equal to three or four times the number of federal constituencies within that state. The current number of state constituencies does not necessarily correspond to this provision, however: Kano and Lagos, for example, both have 24 federal constituencies but only 40 state constituencies (although they are entitled to at least 72), and Ekiti has six federal constituencies, but 26 state constituencies. The table below lists the number of federal and state constituencies currently assigned to each state:

Table 3.3: Number of Federal and State Constituencies per State based on 1996 Delimitation

State	Number of Federal Constituencies	Number of State Constituencies
Abia	8	24
Adamawa	8	25
Akwa-Ibom	10	26
Anambra	11	30
Bauchi	12	31
Bayelsa	5	24
Benue	11	29
Borno	10	28
Cross River	8	25
Delta	10	29
Ebonyi	6	24
Edo	9	24
Ekiti	6	26
Enugu	8	24
Gombe	6	24
Imo	10	27
Jigawa	11	30
Kaduna	16	34
Kano	24	40
Katsina	15	34
Kebbi	8	24
Kogi	9	25
Kwara	6	24
Lagos	24	40
Nasarawa	5	24
Niger	10	27
Ogun	9	26
Ondo	9	26
Osun	9	26
Oyo	14	32
Plateau	8	24
Rivers	13	32
Sokoto	11	30
Taraba	6	24

State	Number of Federal Constituencies	Number of State Constituencies
Yobe	6	24
Zamfara	7	24
FCT	2	N/A

The delimitation of state constituencies is "triggered" by the same circumstances as the delimitation of federal constituencies (namely, a ten-year time period, the conduct of a census, a change in state boundaries, or an Act of the National Assembly), and the same approval is required (both chambers of the National Assembly must consent to any alteration in state constituency boundaries). The only delimitation criterion stipulated for state constituencies is that "the number of inhabitants" must be "as nearly equal to the population quota as is reasonably practical" (1999 Constitution, Section 113).

Local Government Area Constituencies With the exception of the federal capital territory of Abuja, all LGA ward delimitations are the responsibility of the State Independent Election Commissions (SIECs). This was not always the case, however; originally the federal election commission was also charged with drawing LGA wards. The wards produced by the federal election commission are now considered registration areas (RAs) by INEC. Where wards have not been redrawn by SIECS, wards and registration areas remain identical. In Abuja, of course, wards and registration areas are likely to remain identical as long as INEC is responsible for creating ward boundaries in the Federal Territory.

Constituency Delimitation Process in 1996

The last delimitation exercise was performed in 1996 by an electoral commission operating within the context of a military regime.[67] The constituencies devised in the 1996 delimitation were adopted by INEC at its inauguration in 1998 and were used for the 1999 and 2003 parliamentary and state elections.

The 1996 delimitation divided the country into 360 federal constituencies and 109 senatorial districts. The national electoral commission solicited input from the state electoral commissions and the local government area authorities for ward and state constituency boundaries in the following ways:

- Representatives from the LGAs proposed the wards. These wards were quite often not clearly delineated – they were defined in terms of buildings or other landmarks, but not roads, for example.

[67] The argument was made by some staff members at INEC that delimiting under a military regime produced a more "neutral" set of constituency boundaries than might be expected under a "political" regime. On the other hand, Professor Abdulhameed Ujo argues, in a paper presented at the 2003 Kaduna Post Election Seminar entitled, "Strengths and Weaknesses of the Electoral Process," that the 1996 delimitation was "politically motivated" and led to "serious reaction" and "thousands of petitions from all over the country on this issue." (This paper can be found on the INEC website at http://www.inecnigeria.org/inec%20news/ kadunaseminar/ProfUjo.htm.)

- State electoral commissions varied in the form their state constituencies were defined: sometimes state constituencies were defined in terms of LGAs, but sometimes LGAs were split. If LGAs were split, they may (or may not) have been defined in terms of wards. Even if defined in terms of wards, however, since ward boundaries were not clearly delineated, state constituency boundary lines were not clearly delineated either.

Manual techniques (as opposed to computers) were used to conduct the delimitation. Local and federal constituencies were formed by simply assigning LGAs and/or villages to specific electoral districts. No constituency boundaries were demarcated and no paper maps of the constituencies were ever generated. If population was taken into account, projections based on the 1991 census (when there were only 30 states) had to be employed – projections that would have been particularly unreliable at low levels of geography (i.e., villages).

As a result of this approach to delimitation, the population variation across the constituencies is probably quite large, and the boundaries of the constituencies are not clearly defined.

Problems Arising From Previous Delimitations

The constituencies created in 1996 were adopted by INEC at its inauguration and used for the 1999 and 2003 parliamentary and state elections. A number of problems have since arisen associated with these constituency boundaries.

Politically Suspect Constituency Boundaries

The current constituency boundaries have been the subject of repeated criticism, some of it violent. For example, fighting broke out around Warri because the Ijaws and other communities objected to what they perceived to be biased constituency boundaries that prevented them from attaining their rightful share of representatives in the delta region.[68] Some of the persons interviewed for this report also indicated that several regional and ethnic/tribal groups are convinced that they are under-represented in local, state and national legislatures as a result of unfair constituency boundaries.[69]

Malapportioned Constituencies

The degree to which constituencies vary by population is quite problematic. Because data relating to the number of inhabitants (or the number of registered voters) does not appear to exist, and is likely not to have been taken into account during the 1996

[68] See "Violence in Nigerian Oil Delta Threatens to Disrupt Elections" Wall Street Journal Online, April 1, 2003 and "Put-Putting to Democracy" Economist.com, April 17, 2003.

[69] For example, Dr. Jibrin Ibrahim, a representative of the non-governmental organization (NGO) Global Rights, listed several groups that had expressed discontent with constituencies in specific areas of the country, suggesting that the boundaries of these constituencies were drawn to discriminate against their group.

delimitation, it is quite possible that the constituencies vary quite dramatically with regard to population.

Although population figures based on the 1991 census could have been compiled for many of the constituencies, especially the federal and senatorial constituencies, this was apparently not done by the federal (or state) election commission(s) in 1996. Although population estimates for the constituencies was complicated by the six new states and many more new LGAs were created between the 1991 census and the 1996 delimitation, the National Population Commission contends that the 1991 population data was reallocated to new states and LGAs – albeit in a less than perfectly precise manner – and hence was available.[70] Of course, if constituencies split LGAs – which was more likely for state constituencies than for federal or senatorial constituencies – then producing population estimates for these constituencies was even more problematic.

Because population data by constituency is currently not available (neither INEC nor the National Population Commission appear to have generated this information), it is impossible to determine the degree to which population equality was achieved with the 1996 delimitation. However, one very simple means of ascertaining the degree of population equality is to calculate the number of federal constituencies that should have been allocated to each state on the basis of that state's population. The table below lists the projected number of federal constituencies each state should have been granted given its total population according to the 1991 census, and the actual number of federal constituencies assigned to the state.[71]

Table 3.4: Projected Number of Federal Constituencies Based on 1991 Census Compared to Actual Number of Federal Constituencies, by State

State	Total Population	Number of Projected Federal Constituencies given Total Population	Actual Number of Federal Constituencies
Abia	2,477,974	8	8
Adamawa	2,721,667	**9**	**8**
Akwa-Ibom	3,119,341	10	10
Anambra	3,620,682	11	11
Bauchi	3,705,531	12	12
Bayelsa	1,452,430	5	5
Benue	3,564,560	11	11
Borno	3,283,653	10	10
Cross River	2,475,073	8	8
Delta	3,353,982	**11**	**10**
Ebonyi	1,882,196	6	6
Edo	2,812,236	9	9
Ekiti	1,988,456	6	6
Enugu	2,751,192	**9**	**8**
Gombe	1,928,081	6	6
Imo	3,217,991	10	10

[70] Interview conducted at the National Population Commission, 24 June 2004.

[71] This table is based on information provided by INEC.

State	Total Population	Number of Projected Federal Constituencies given Total Population	Actual Number of Federal Constituencies
Jigawa	3,723,211	**12**	**11**
Kaduna	5,096,021	16	16
Kano	7,523,432	24	24
Katsina	4,859,364	15	15
Kebbi	2,678,218	8	8
Kogi	2,780,696	9	9
Kwara	2,004,828	6	6
Lagos	7,413,324	**23**	**24**
Nasarawa	1,563,912	5	5
Niger	3,135,561	10	10
Ogun	3,021,549	9	9
Ondo	2,912,628	9	9
Osun	2,794,138	9	9
Oyo	4,470,403	14	14
Plateau	2,724,894	**9**	**8**
Rivers	4,127,804	13	13
Sokoto	3,103,526	**10**	**11**
Taraba	1,957,915	6	6
Yobe	1,812,332	6	6
Zamfara	2,684,197	**8**	**7**
FCT	481,314	2	2

As an examination of the table demonstrates, seven of the 36 states either received too few (Adamawa, Delta, Enugu, Jigawa, Zamfara) or too many (Lagos, Sokoto) constituencies based on the 1991 census population figures for the states.[72] The average population of the federal constituencies therefore ranged from as little as 282,139 in Sokoto (and 240,657 in FTC Abuja) to as high as 383,457 in Zamfara – the equivalent of a total population deviation of almost 32 percent.[73]

Lack of Information on Constituencies

There is a decided lack of information regarding the federal and state constituencies created in 1996.

No Population Data or Maps No population data appears to exist for the constituencies; therefore, it is impossible to determine the degree to which the constituencies meet the constitutional requirement of equal population. Furthermore, no maps of the constituency boundaries were ever produced – probably because there were few clearly demarcated boundaries.

[72] Constituency election returns for the 2003 elections (data on voter registration, turnout or votes for candidates) would be quite useful in gauging the degree of population variation across electoral districts but proved impossible to obtain.

[73] The population quota for these population projections would have been 320,068 therefore the average constituency population in Sokoto deviated by 11.9% from this quota and the average constituency population in Zamfara deviated by 19.8% from this quota.

Few Clearly Demarcated Boundaries Recently, an experimental delimitation exercise was conducted by Joe Ukualor, Assistant Director of Operations at INEC. Using borrowed (non-INEC) GIS resources, Mr. Ukualor attempted to digitize the Registration Area/ward boundaries in the federal capital territory of Abuja. This exercise demonstrated the difficulty inherent in producing boundary lines for political units in Nigeria; the descriptions provided for these units were often too inexact to demarcate boundary lines exactly.[74]

Action Plan

Nigeria must undertake the delimitation of federal and state constituencies again prior to the January 2007 parliamentary elections.[75] Because of the controversy generated by the current set of constituency boundaries, consideration should be given to ensuring that the upcoming delimitation process be as transparent, impartial and precise as possible.

The objective of this Action Plan is to provide general recommendation for modifying the process to generate constituency boundaries that are deemed more legitimate by interested stakeholder than the current boundaries. This Action Plan is not a detailed operational plan; an operational plan will have to be devised at a later date in conjunction with the boundary authority.

Establish Impartial Boundary Commission with Sufficient Resources for Task

The 1999 Constitution delegates the responsibility for delimiting federal and state constituencies to INEC. Therefore, unless the constitution is amended, INEC must begin preparations for delimiting in 2006.

Suggestions have been made by the INEC Chairman, Dr. Abel Guobadia, and the election review team commissioned by INEC to reassign the task of delimitation to a commission specially formulated for this purpose.[76] There are two advantages to establishing a separate delimitation commission:

1. If an impartial, non-partisan delimitation commission can be established that is likely to gain the trust of stakeholders in the system as well as the voters, it is possible that the constituency boundaries produced will be less controversial than if they were drawn by INEC.

[74] See the in-house seminar paper, "Mechanism for Delimitation of Electoral Constituencies," by A.A. Kagara, Director of Operations, Independent National Electoral Commission, 23 June 2004, for a description of this delimitation exercise.

[75] The last delimitation was conducted in 1996 and since a review of federal and state constituencies is required at least every ten years, INEC must undertake delimitation again in 2006. This delimitation must be completed prior to the January 2007 parliamentary elections – in fact, the constituency boundaries should be approved and in place at least a month or two in advance of the elections so that constituency candidates can identify their potential voters and campaign accordingly.

[76] Interview with Dr. Abel Guobadia, 25 June 2004; Final Report of the Election Review Team to the Independent National Electoral Commission (INEC) of the Federal Republic of Nigeria, July 2003.

2. The delimitation time frame for the 2007 elections will be very tight. The population data (whether it is 2005 census data or voter registration data) will only be available very close to the 2007 elections – precisely the time period when INEC will be busiest preparing for the upcoming elections. This is clearly not the optimal time to engage in the labor-intensive and time-consuming task of delimitation, for without sufficient resources both election preparations and delimitation are likely to suffer.

It is quite likely that any delimitation commission established will have to rely on INEC staff and resources for technical assistance. However, all decision-making capabilities should rest with the delimitation commission so that there is no question as to the independence of this commission from INEC.

Regardless of whether or not a separate delimitation commission is established, it is important that the boundary authority have sufficient resources – both in terms of financial resources and qualified staff – to carry out delimitation in a timely and professional manner. Inadequate funding for delimitation can compromise the process. Of course, the boundary authority must ensure value for the money spent; an examination of the procurement process and the letting of contracts, for example, might be in order to guarantee that funds allocated for delimitation are well-spent.

Insufficiently trained staff can also jeopardize the delimitation process. It is important not only to have enough personnel to carry out the labor-intensive process of delimitation, but also that the staff be qualified to carry out their tasks. This will be particularly relevant if computers are employed for any portion of the delimitation exercise. In addition, because delimitation requires staff to engage in a broad array of tasks that usually involve people working in several different departments, communication and coordination across departments are essential. If information does not flow easily throughout all concerned departments of the commission, necessary resources may be duplicated or omitted, and key personnel may be missing information vital to carrying out their assigned responsibilities.[77]

Amend Constitution to Elaborate on Delimitation Criteria

The 1999 Constitution posits two criteria for federal constituencies: 1) the constituencies must be as nearly equal in population as practicable and 2) they must be contiguous.[78] Although both of these criteria are important, at least the first-mentioned criterion does not appear to have played much of a role in the 1996 delimitation.

[77] For example, the Information and Communication Technology (ICT*)* division of INEC recently purchased GIS software and hired a consulting company to map the GPS locations of all of the polling stations. In addition, it appears that the consulting company may be digitizing the boundaries of registration areas and polling units (this rather questionable proposition is discussed at a later point in the report). This database would be of enormous value to the INEC division responsible for delimitation, but this division (Operations) did not have any input on the decision of what GIS software to purchase, nor what services to require of the consulting company.

[78] Only one criterion is mentioned for state constituencies: the number of inhabitants must be "as nearly equal to the population quota as is reasonably practical" (1999 Constitution, Section 113).

It may be wise to specify more directly (either in the constitution or in electoral law) what is meant by requiring constituency populations to be as equal as is possible. For example, a tolerance limit (a percentage limit above and below which the population can acceptably fall) could be established so that the commission, while granted some discretion, is still curtailed to a decided degree. The threshold should not be so strict as to force the division of administrative units or communities of interest when forming constituencies, but should be sufficiently stringent to curtail the large population deviations that currently exist. [79] A tolerance limit of somewhere between ten percent and 25 percent would probably be prudent – a limit large enough to encourage INEC to keep LGAs and communities of interest intact, but strict enough to prohibit gravely malapportioned constituencies and to limit the amount of political gerrymandering possible.[80]

Also, the constitution requires the use of census data for delimitation. This should probably be amended to allow the use of voter registration data as well (i.e., the "number of inhabitants" *or* the "number of voters" should be as equal as is possible) when delimiting constituencies, especially if it appears that 2005 census data is not likely to be available before INEC begins delimitation in 2006.

The provisions relating to delimitation criteria found in the 1999 Nigerian constitution are similar to the provisions of many constitutions: rules regulating delimitation often specify that electoral districts should be as equal in population as possible. Two additional criteria that are also commonly found in federal constitutions (or the electoral law) are: (1) respect for administrative and/or natural boundaries, and (2) respect for communities of interest.

Some consideration might be given to including one or both of these factors (or other factors of traditional importance in Nigeria) in the constitution or electoral law of Nigeria. One reason for this is that strict adherence to population equality, minus any other qualifying criteria, could lead to the fracturing of communities of interest. Including additional criteria such as respect for existing physical and administrative boundaries (particularly LGA boundaries) and respect for communities of interest would ensure that the quest for population equality did not negate all other considerations.

Construct Comprehensive Database to Ensure Compliance with Criteria

Drawing constituencies that meet constitutional and electoral law standards such as population equality requires accurate and up-to-date population data. This data usually

[79] The degree to which countries demand population equality varies. The United States is unique in its adherence to the doctrine of equal population; no other country requires deviations as minimal as the "one person, one vote" standard that has been imposed by U.S. courts since the early 1960s. New Zealand comes closest to that strict standard, but deviations of up to five percent from the electoral quota (calculated by dividing the total population by the number of district representatives to be elected) are permitted. The United Kingdom allows even larger deviations in district populations. The original standard was set at 25 percent in 1944 but this standard was repealed only two years later. The current rule requires that constituencies be "as equal as possible," but this rule must be balanced against the principle of respect for local boundaries as much as possible.

[80] Gerrymandering refers to the practice of drawing electoral district boundaries to deliberately favor one political party over others.

takes the form of census enumeration data or voter registration data.[81] The possible sources of population data for delimitation in Nigeria include:

1. Currently existing census projections based on the 1991 census
2. Census enumeration data from the upcoming 2005 census
3. Voter registration data

Existing Population Projections The last census of the Nigerian population was conducted more than ten years ago, in 1991. At that point in time there were only 30 states. While the National Population Commission has since redistributed the 1991 census figures to reflect the current configuration of 36 states and 774 LGAs, this data is necessarily only an approximation.

Projections through at least 2010 have been produced for the recompiled 1991 census data. The larger the geographic unit, the more reliable the projections are likely to be. Although the projections are likely to be relatively reliable at the national and state level (at least for those states that did not change boundaries after 1991), they are far less reliable for lower administrative levels (local government areas and communities).

Enumeration Data from the Scheduled 2005 Census The National Population Commission is scheduled to conduct a national census in November 2005. Preparation for this census is well underway, although there is still no consensus on the information that will be collected. Although there is agreement on collecting data on the number of inhabitants and households (as well as information on the age, sex, education, and occupation of each respondent), there has not been any agreement on whether data relating to language or religion, for example, will be gathered.

The 2005 census data is unlikely to be released before the spring of 2006; the National Population Commission indicated that it would be at least five months before the data is published.[82] Assuming the census data is actually approved by the government and released by May or June of 2006, this would give INEC approximately four to five months to delimit federal, senatorial and state constituency boundaries and obtain the endorsement of the National Assembly for the new constituencies.[83] This very tight deadline will make delimitation very difficult.

[81] The choice of whether to use census data or voter registration data may be guided by either practical or theoretical concerns. For instance, census data may not be the best option if a general enumeration of the population is unavailable, outdated or inaccurate. On the other hand, registration data may not adequate for redistricting purposes if it fails to include demographic or sociological information that is essential given the specific country context. From a theoretical perspective, delimitation based on registration data is likely to produce districts that are more equal with respect to the number of voters contained within them, but an argument could be made that because representatives serve all persons, and not simply voters, district populations should be calculated using number of inhabitants rather than number of registered voters.

[82] Interview conducted at the National Population Commission, 24 June 2004.

[83] Previous censuses have been the subject of much controversy. The political ramifications of the data – financial resources are often allocated on the basis of population proportions – have led to claims that the enumeration data has been manipulated. This has led the Government to reject the results of several earlier censuses.

Difficulty with meeting the deadline will be even more problematic if INEC must split LGAs to create constituencies – a distinct possibility if the requirement to equalize constituency populations is taken seriously. Obtaining population data for split LGAs can be quite complicated. If LGAs are divided using registration areas and polling units (PUs),[84] then obtaining population data for the split portions will require a sophisticated matching procedure because the National Population Commission will be reporting population data for Enumeration Areas (EAs), and not for RAs and PUs. In fact, the National Population Commission was originally working with INEC to define Enumeration Areas so that these could be used by INEC as polling units – hence the decision that EAs should have approximately 500 persons per unit – but INEC is no longer working with the National Population Commission on this project and does not appear to have any plans to use the Enumeration Areas for election purposes.

Voter Registration Data Another option is to utilize voter registration data for delimiting constituencies. However, since the 1991 Constitution specifies that the "number of inhabitants" should be as equal as possible and, furthermore, that data from the 1991 census (or the latest federal census) should be used for delimitation purposes, a decision to use voter registration data for delimitation requires an amendment to the constitution. Another drawback to using voter registration data is that the completed voter lists will be available only very late in the election calendar, making delimitation on the basis of this data a challenge. A final disadvantage is that voter registration data may be perceived as problematic; for instance, many believe that the number of registered voters is inflated in some areas of the country.[85]

There is at least one important advantage to using voter registration data: population data will be associated with the geographic units likely to be used for delimitation, that is, registration areas and polling units. This will make calculating the population of each constituency much easier.

Computerize Delimitation Process if Resources Permit

It may be possible to computerize the delimitation process in Nigeria. Employing a Geographic Information System (GIS) for delimitation would have the following advantages:

1. GIS technology could generate a more efficient, accurate, and cost-effective (at least in the long term) delimitation process.
2. GIS technology could assist INEC in meeting such constitutional and legal delimitation requirements as equal population.
3. GIS technology could foster greater transparency in the delimitation process by permitting the easy production of maps and reports that can be used by

[84] Polling units (PUs) are the smallest geographic unit employed in elections: a polling unit is composed of a polling station and all of the voters assigned to that station. Registration areas are a collection of PUs.

[85] This perception may not be without validity: according to INEC, there are over 60 million voters currently registered. The Department of National Civil Registration (DNCR), however, has identified approximately 54 million citizens eligible to receive identification cards. Either INEC has too many non-eligibles registered to vote, or the DNCR has missed millions of citizens.

interested stakeholders to evaluate and comment on proposed constituency plans.

4. GIS offers the potential for producing a "fairer" constituency plan – one that optimizes established delimitation criteria such as population equality at the expense of other, less appropriate, factors such as the potential political consequences of the plan.
5. GIS may have additional uses in election administration; for example, GIS can be used to assign eligible voters to the correct voting center.

The increase in speed, efficiency, and accuracy would permit INEC to consider a wider range of constituency plan options. It would also allow interested stakeholders to evaluate proposed plans easily and more thoroughly, assuming the pertinent information (statistical reports, constituency maps) is made publicly available.

Although computerized delimitation can be very expensive, especially if the necessary maps have not digitized, it may be worth the investment if sufficient resources are available and careful planning is undertaken. The GIS software needed for computerized delimitation has already been purchased by INEC (albeit for a slightly different purpose) and there are two potential sources for electronic maps of Nigeria: the Information and Communications Technology (ICT) division of INEC may be producing computerized maps of election geography, and the National Population Commission plans to digitize census geography that could also be employed for delimitation purposes.

The ICT Department of INEC has purchased GIS software from a software vendor and is using a private consulting company to produce an electronic database. The primary purpose of this electronic database appears to be to produce geographic coordinates for the approximately 120,000 polling units across the country. But according to the ICT division, the GIS database will also include digitized boundaries for local government areas, registration areas and polling units. However, since there are no existing maps of RAs and PUs, or even textual descriptions that can be used to delineate boundaries for these geographic units in many instances, it is very unclear how this will transpire,[86] especially in the six-month time frame identified by the ICT director as the projected completion date of the project. Nevertheless, should the database materialize, this would be an excellent database to employ for computerized delimitation, especially if voter registration data (rather than census enumeration data) was used for population purposes.

The National Population Commission is also planning on producing an electronic database that would, in many ways, be ideal for delimitation purposes. The notable disadvantages to the database are that (1) the database may be released too late in the election calendar and (2) the database will not include digitized boundaries for registration areas and polling units. What the database will contain, if all goes as planned, are digitized boundaries for all Enumeration Areas (EAs) in Nigeria.

The demarcation of the approximately 300,000 EAs was scheduled to begin July 2004. The EAs are initially to be mapped onto paper maps but, beginning in January 2005, the

[86] If a private consulting company is actually engaged in digitizing RAs and PUs, this would involve a great deal of "creativity" since clearly delineated boundaries do not exist in most instances.

National Population Commission plans to start digitizing the EA maps. The projected completion data for the digitization process is mid-2006 (the same time as the census data is to be released). The GIS package (ARCView by ESRI) to be used for this process has already been purchased and training on it has commenced.

If it appears likely that either the ICT or National Population Commission databases will actually be available by mid-2006, serious consideration should be given to computerizing the delimitation process in Nigeria. This change would involve detailed planning and coordination across INEC divisions, or with outside organizations such as the National Population Commission. A decision to move in this direction would have to be made in the near future, and software customization and staff training would have to begin well before 2006.

Potential Disadvantages of Using GIS Using GIS offers a number of important benefits, all of which have been discussed above. There are, however, drawbacks to using GIS – and it is important to consider both the advantages and the disadvantages when contemplating using GIS for delimitation. Some of the disadvantages associated with GIS include:

Cost of Using GIS: Hardware, Software and Staffing The cost of using GIS for delimitation varies dramatically depending on the availability of electronic maps and the associated population data. If electronic data and digitized maps of the entire country are available – as they may be in Nigeria – the costs associated with adopting GIS are much lower. However, INEC must still purchase the necessary hardware and software, and train qualified staff to use the GIS system – and this will not be inexpensive.

Potential Mismanagement of GIS GIS technology can be mismanaged, resulting in a disorganized, inefficient and delayed delimitation process. Detailed planning, adequate training and ample time and resources must be devoted to the endeavor if GIS is to be successfully incorporated into the delimitation process.

Potential Misuse of GIS Not only can GIS software be mismanaged, it can be misused: GIS technology could, at least in theory, make it easier for a ruling party to manipulate constituency boundaries so as to retain control of the parliament even after the majority of the voters have ceased to support the party. In the United States, for instance, state legislatures assigned the responsibility for redrawing constituency boundaries often include political data (i.e., election results) in the delimitation database so that the political implications of proposed constituency configurations can be taken into account when drawing constituency boundaries.[87]

Including political data in the GIS database in Nigeria would be very difficult, however, if census enumeration areas, rather than polling units (the source of such political data), are used to draw constituencies. To ensure that the insertion of political data is not even contemplated, the electoral law could be revised to expressly prohibit the use of political data during delimitation.

[87] In the United States, the constituency plans for most states are drawn by state legislatures despite a very clear conflict of interest. Moreover, the inclusion of political data in the delimitation database, and even the outright manipulation of boundaries for political benefit, has been deemed legal by the U.S. courts.

GIS would assist INEC in demonstrating that it undertook boundary delimitation in an impartial, non-partisan manner if INEC:

- made the GIS-produced maps and statistical reports associated with provisional constituency plans readily available;
- instituted a public hearing process to allow interested stakeholders to comment on provisional plans; and
- took stakeholders' comments into account when modifying provisional plans to produce a final constituency plan, and published its reasons for modifying the provisional plans.

Devise Evaluation Process that Promotes Transparency

INEC should produce statistical reports and maps for any constituency plans it puts forward. These reports and maps should serve as tools for INEC to evaluate proposed plans. They can be used to determine compliance with such criteria as:

- population equality;
- geographic considerations such as contiguity and compactness, as well as the existence of rivers and other physical features that form natural barriers;
- respect for existing administrative divisions and communities of interest

If GIS software is used to create a constituency plan, then producing a statistical report listing the population of each constituency, as well as the percent by which that constituency's population deviates from the population quota, is a very simple matter. GIS technology also permits the overlay of maps displaying administrative division boundaries and physical features such as mountain ranges and rivers on the map of the constituency boundaries.

But even if GIS technology is not used, statistical reports, maps and verbal descriptions of the constituencies should be produced. Furthermore, these reports and maps should be publicly released so that interested stakeholders can also evaluate proposed constituency plans.

Public Hearing Process Public hearings should be held around the country to solicit comments on the provisional constituency plan. The public hearing schedule, and information regarding the provisional constituency plan, should be published in the local gazette, and maps and reports should be available for review at the scheduled hearing. This forum should be open for all interested parties to comment on the provisional plan (although to manage the process, it might be wise to limit comments to constitutionally proscribed delimitation criteria).

The constituency plan should be finalized only after these comments are considered by INEC. A written report accompanying the final constituency plan should include a discussion of which comments have been incorporated into the plan and why, as well as noting why other comments were not taken into account when creating the final plan. Maps and statistical reports should also accompany the final constituency plan.

The extent to which the delimitation process can be “democratized” depends on how much information INEC is willing to share with interested stakeholders and how open the delimitation process is to public input.

PART III

Case Studies

Chapter 4

Delimitation Equity Case Study Summaries

Dr. Lisa Handley
December 2004

Delimitation Equity Case Study Summaries

Dr. Lisa Handley • January 2004

If Action Plans tell us "what ought to be" then case studies are designed to describe "what is" – and, for the most part, that is what the 12 case studies included in the project do, although some of the case studies actually go beyond this and discuss specific questions (such as the feasibility of adopting computer technology) associated with delimitation in the given country.

There are case studies of five consolidated democracies (New Zealand, Australia, Germany, the United Kingdom and the United States), four emerging democracies (Fiji, Singapore, Malaysia and Yemen) and three post-conflict societies (Kosovo, Afghanistan and the Democratic Republic of the Congo) included in the project.

Consolidated Democracies

The five case studies discussing delimitation in consolidated democracies describe five clearly established, but different, approaches to the process. Most of these countries have independent boundary commissions to delimit districts – the US is the glaring exception to this. Most employ nonpartisan commission, but New Zealand, for example, includes partisan representation on the commission.

Each case study offers some unique approach to delimitation, for example:

- ***New Zealand*** uses a seven-member Representation Commission to draw two sets of districts, one overlaying the other, to ensure proportional representation for the indigenous Maori population. The Commission includes partisan representatives and, when delimiting Maori electoral districts, Maori representatives as well.
- There are three possible triggers prompting a Redistribution Committee in ***Australia*** to delimit electoral districts: a reallocation in the number of legislative representatives granted to a state, a prescribed level of malapportionment among one third of the constituencies in a state, or when seven years have elapsed. When redrawing districts, the Redistribution Committee uses population projections so that the districts are equal in population halfway through the delimitation period rather than at the beginning of the delimitation interval.
- The Boundary Commission in the ***United Kingdom*** is obliged to consider a clearly established hierarchy of delimitation criteria in which "special geographic considerations" can trump population equality and respect for administrative boundaries. After producing a provisional constituency plan, the Boundary Commission initiates an extensive public inquiry process designed to ensure that all stakeholders have a chance to express their opinions on the proposed plan.
- Even though ***Germany*** has a Mixed Member Proportional Representation electoral system, the delimitation process does have ramifications for the

outcome of the election in this country. This is because it is possible for a political party to win more constituency seats than it is entitled to according to its share of the party vote. When this occurs, the party retains these seats (known as surplus seats, or overhang mandates), and the size of the Bundestag is increased. This has, in fact, happened in every recent election.

- The ***United States*** is one of the only consolidated democracies that has retained a very politicized – and very contentious – delimitation process. The legislature is responsible for drawing electoral district boundaries in most states and the plans created usually favor whatever political party is in control of the legislature at the time of delimitation. Delimitation plans can be challenged in court and very frequently are, making the process even more time-consuming and contentious.

Emerging Democracies

The four emerging democracies also follow the format of describing "what is" for the most part, again focusing on unique facets of the process:

- ***Fiji*** uses a Constituency Boundaries Commission to draw a combination of communal seats, specifically reserved for the major ethnic groups (indigenous Fijians, Indo-Fijians, and others) in the country, and "open seats" where all voters, regardless of ethnicity, cast a vote. Recent elections have been decided by voting in the most ethnically heterogeneous open seats.
- In ***Singapore***, the Electoral Boundaries Review Committee creates constituency maps in which multimember electoral districts referred to as Group Representative Constituencies (GRC) predominate. Parties contesting in a GRC must propose a slate that includes at least one member of an official minority (listed as Indian, Malay, Eurasian, or Other) and the slate from the party receiving a plurality of votes wins all the seats in the district.
- In ***Malaysia***, the Election Commission is required to weight sparsely populated rural constituencies so that these constituencies are over-represented in the legislature. Since ethnic Malays predominate in the rural areas and non-ethnic Malays reside primarily in the urban centers, this "rural weightage" guarantees Malay dominance of the political system.
- The ***Yemen*** case study goes beyond simply describing the existing delimitation process and examines the possibility of adopting computers and GIS software for drawing districts. Because an electronic database merging population and geography is being created, using computer technology for delimitation is feasible in Yemen. Any country considering the use of GIS would find this case study (as well as the Action Plan for Nigeria) particularly useful.

Post Conflict Societies

The case studies looking at three post conflict societies take a slightly different approach, in large part because there is no established system or rules in place to organize and conduct elections or delimit districts.

- ***Kosovo*** is contemplating the adoption of an open list PR system (rather than the closed list PR currently in place), but with the entire country as a single constituency, the logistics (and the ballot) are likely to be unwieldy. This case study examines the option of moving to a regional List PR electoral system and delimiting multimember electoral districts (regions).
- In the ***Democratic Republi of Congo***, the question being posed is not only how to go about drawing districts, but whether to adopt districts at all – in fact, the electoral system itself is at issue. This case study discusses various electoral system possibilities, as well as what existing administrative units might be used as districts if an election system that employs districts is adopted.
- One of the many problems facing the UNAMA in ***Afghanistan*** as preparations for parliamentary and local election move forward is the delimitation of administration units – provinces and districts – that will also be used as electoral constituencies. This case study discusses the problems of defining these units and, in particular, resolving conflicts over the number and boundaries of districts where estimates of the number of existing districts range from less than 375 to as many as 465.

Chapter 5

Case Study: Afghanistan

Dr. Lisa Handley
January 2004

Case Study: Afghanistan

Delimiting Districts for Transitional Elections in a Post-Conflict Society

Dr. Lisa Handley • January 2004

Organizing elections in Afghanistan that will be viewed by all major stakeholders as free and fair presents a major technical and logistical challenge to the United Nations (UN)[88] – a challenge that is even further complicated by the tight timeframe and the ongoing security issues. Two of the many problems facing the UN in planning for the parliamentary and local elections in Afghanistan are the delimitation of provinces and districts and the allocation of parliamentary seats to provinces on the basis of population.

Background

Afghanistan has been at war for most of the last 25 years. The Soviet Union invaded in 1979 (following a communist coup within the country), but was finally forced to withdraw ten years later by anti-Communist mujahidin forces supplied and trained by the US, Pakistan, and others. Fighting subsequently continued among the various mujahidin factions, giving rise to a state of "warlordism" that eventually spawned the Taliban.

Backed by foreign sponsors, the Taliban developed as a political force and eventually seized power over most of the country, aside from Northern Alliance strongholds primarily in the northeast. Following the September 11th 2001 terrorist attacks, however, a U.S.-lead invasion forced the Taliban from power.

Shortly after the fall of the Taliban, representatives of various Taliban opposition groups met under the auspices of the United Nations in Bonn, Germany, and agreed on a plan for the formulation of a new government. Hamid Karzai was inaugurated Chairman of the Afghan Interim Authority (AIA) on December 22, 2001 and in June 2002 he was elected President by a national Loya Jirga (General Assembly).

The Transitional Authority was given an 18-month mandate within which to convene a Loya Jirga and adopt a constitution, and a 24-month mandate to hold nationwide elections. A constitution was ultimately adopted on January 4, 2004 (several months after the deadline); elections were originally scheduled for June 2004, but these were postponed until October 2004. Although both the Bonn Agreement and the Constitution specify that, if at all possible, the first elections should include both presidential and parliamentary elections, only presidential election will be held in 2004. Parliamentary elections are currently scheduled for April 2005.

Delimiting Boundaries for the Parliamentary Elections

The Constitution dictates that the National Assembly in Afghanistan be composed of two chambers: the Wolesi Jirga and the Meshrano Jirga. Only when both houses are in

[88] The United Nations has been given the reponsiblity for organizing and conducting the upcoming elections in Afghanistan.

session can the National Assembly fulfill its legislative functions (Chapter 5, Article 87 & 94).

Both parliamentary and local elections must be conducted in order to convene the National Assembly: Parliamentary elections are required to select Wolesi Jirga representatives and local elections (provincial and district) must be held in order to indirectly elect members to the Meshrano Jirga.

Before either set of elections can occur, however, consensus must be reached on the configuration of provinces and districts within Afghanistan because both parliamentary and local elections depend on these administrative units to serve as electoral constituencies.

Constituencies for Parliamentary and Local Elections

The boundaries of electoral constituencies must be established before parliamentary and local elections can proceed.

Using Provinces as Electoral Constituencies for the Wolesi Jirga Because a regional rather than a single-constituency List Proportional Representation (PR) electoral system is being introduced for election to the Wolesi Jirga, some delimitation of constituencies will be necessary. This process is likely to be limited to the adoption of provinces as electoral constituencies and the apportionment of parliamentary seats to these provincial constituencies on the basis of population.

In Afghanistan, this process will be complicated by several factors, one of which is a possible change in the number, and therefore the boundaries, of the provinces. In early March 2004 (and for many years prior to this), there was general agreement that 32 provinces exist; however, pending before the Ministry of the Interior were plans for at least three additional provinces.[89] At the end of March, one of these proposed provinces was declared a new province by President Karzai. More decrees establishing new provinces may follow even closer to the election.

Electing Representatives to the Meshrano Jirga According to the Constitution, elected members of the Meshrano Jirga are to originate from two sources:[90]

- Each provincial council is to elect one member of the council to serve as a member of the Meshrano Jirga
- From among the district councils of each province, the respective councils are to elect one person to serve as a member of the Meshrano Jirga

[89] According to the Cartography Department in Afghanistan, *three* potential provinces have been mapped, not just one – but these maps are not to be released until/unless the Interior Minister approves the establishment of the new provinces.

[90] The President is to appoint one-third of the Meshrano Jirga members; the other two-thirds are elected from the provinces, one-third from among the members of the provincial councils and the other one-third from among the district councils within each province.

One important consequence of this constitutional provision is that provincial and district (local) elections must occur before the Meshrano Jirga can be convened. Local elections will require clearly defined provinces and districts. However, as mentioned above, provincial lines may be in flux. District boundaries are even more problematic.

Delimiting District Boundaries

There is no consensus on the number of districts, or on what the boundaries of these districts might be in Afghanistan. The Appendix provides a comparison of some of the more relevant lists of districts in Afghanistan: the United Nations Assistance Mission in Afghanistan (UNAMA) list of districts by province used by the Electoral Component of UNAMA for voter registration purposes; an updated list of provinces and districts provided by the Afghan Central Statistics Office (CSO) in March 2004; and the list of districts used for the Emergency Loya Jirga (ELJ) elections in 2002 and the Constitutional Loya Jirga (CLJ) elections in 2004.

A comparison of district lists from these sources provides only an indication of the problem – even if all of the lists concur on the number of districts to be found in a given province (which they do not), this does not mean that there is agreement on what the boundaries of these districts are, and hence what villages are assigned to each district. On the other hand, if the total number of districts per province does not correspond across lists, then clearly there is disagreement as to village-to-district-to-province assignments.

According to the village-to-district-to-province assignment list provided by the CSO to UNAMA in November 2003, there are 32 provinces and 387 districts. Although UNAMA regarded this information as static, the CSO is in fact updating this information as the pre-census enumeration process continues and more up-to-date information is obtained.

The CSO began the pre-census process in January 2003 with what was known to be an outdated list of provinces, districts and villages – the list was compiled in 1979 for the only attempted census in Afghanistan, which was never completed. The CSO census team has been updating this list on a rolling basis;[91] as of March 2004, district lists for 22 of the currently existing 32 provinces have been updated.

UNAMA designed the voter registration process on the basis of the village-to-district-to-province list provided by the CSO in November 2003; the UNAMA list has not updated since this date, despite periodic updates in the village-to-district-to-province list issued by CSO.

The UNAMA staff has recognized the problematic nature of their village-to-district assignment list.[92] Internal checks on the voter registration data collected to date, for example, have determined that:

[91] The list for each province was updated in consultation with the provincial governor, district leaders and village elders. Any disagreement in the list was to be resolved by the provincial governor.

[92] The information reported here was supplied by Matthew Blakely, Data Manager, Electoral Component of UNAMA.

- 12 percent of the villages identified by registered voters are in "unlisted" villages (that is, do not appear on the UNAMA list)
- 3 percent of those registered thus far have registered to vote in an "unlisted" village and this percentage is likely to increase substantially as the registration process moves from the urban to more rural areas.[93]

Even more problematic, however, than the discrepancies in district lists among various agencies is the fact that even the most recent list of districts (as represented by the updated CSO list) may not reflect reality. Even though there are ostensibly rules and regulations for the establishment of new provinces and districts, these rules are not strictly enforced, especially with regard to the formation of new districts.[94] As became evident during preparations for the Emergency Loya Jirga (ELJ) elections in 2002, quite a number of districts have "emerged" that the CSO seems unaware of.

In many cases, the new districts are the result of provincial governors rewarding supporters with administrative positions, or local commanders declaring the existence of new districts to award themselves with administrative positions. These districts, although not necessarily "recognized" by the CSO or the Ministry of the Interior, are usually acknowledged by the local elders and accepted by local voters. In order to conduct ELJ and CLJ elections, "negotiations" often had to occur between the ELJ/CLJ Commission and the local communities, usually resulting in the de facto recognition of these "new" districts for the ELJ and CLJ elections.[95] Ultimately, 465 districts were included in the ELJ/CLJ elections.

Data for Apportioning Wolesi Jirga Seats to Provincial Constituencies

Wolesi Jirga seats are to be apportioned to electoral constituencies on the basis of "population" according to the Constitution. The Constitution does not specify the type of population data to be used, but the apportionment process is almost always based on either census enumeration data or voter registration data.[96]

Population data may also be required to determine the number of members to sit on the provincial and district councils. Although it is not strictly necessary, presumably the

[93] In one relatively rural province in which voter registration is currently underway (Bamyan), 9% of those that have registered have identified "unlisted" villages as their place of residence.

[94] The rules and regulations for creating new provinces and districts are the responsibility of the Local Areas Management Body, located within the Ministry of the Interior.

[95] The negotiation process at times was quite "delicate" and even led to violent clashes on occasion, according to informed sources.

[96] The choice of whether to use census data or voter registration data may be guided by either practical or theoretical concerns. For instance, census data may not be the best option if a general enumeration of the population is unavailable, outdated or inaccurate. On the other hand, registration data may not adequate for districting purposes if it fails to include information (i.e., demographic data) that is essential given the specific country context. From a theoretical perspective, delimitation based on registration data is likely to produce constituencies that are more equal with respect to the number of voters contained within them, but a counter-argument could be made that representatives serve all persons, not simply voters, and therefore districts should contain equal numbers of persons, not voters.

same data that is used to apportion parliamentary seats will be used to gauge the size of local councils.

At this point in time (March 2004), there is a complete absence of reliable population data on which to apportion parliamentary seats. No census, with the exception of an aborted pre-census in the late 1970s,[97] has ever been conducted in Afghanistan. Nor is there a pre-existing civil registry or voters' list available. By Election Day, however, there will hopefully be several sources of population data available for apportionment purposes. These include:

- Pre-census enumeration data
- Voter registration data
- Voter turnout data

Census Data A pre-census household enumeration is currently being conducted by the Central Statistics Office (CSO), with the assistance of the United Nations Population Fund (UNFPA). This phase of the census process, referred to as the household listing phase, entails visiting every household in Afghanistan and counting the total number of persons in each household. The enumeration includes not only the total number of persons, but number of males and females and the number of persons under the age of 18 and over the age of 18 per household.

The enumeration process commenced in the province of Kunduz in January of 2003 and 22 provinces have since been completed. The anticipated completion date for this project, assuming no major obstacles are forthcoming (i.e., security issues), is June 2004. Depending on whether this schedule is maintained, and when the parliamentary elections are scheduled, this enumeration data may be available for apportioning parliamentary seats to provincial constituencies.

Voter Registration Data The Electoral Component of the United Nations Assistance Mission in Afghanistan (UNAMA) is currently compiling a voters list which will, of course, have to be completed by Election Day – how many days, weeks or months before Election Day, however, remains a question. This voter registration data could be used to apportion seats to parliamentary constituencies.

The advantage of using voter registration data, as compared to census data, is the fact that this data is likely to be less outdated than census data for seat apportionment purposes, at least in the long run. (For this first election, both the enumeration data and the voters' list data should be equally up-to-date.) The disadvantage of utilizing this data is that the voters' list may not be reflective of the total population, and may be more biased in some regions than others. This is especially true in areas where potential voters have decided to boycott the registration process for social or political reasons.

Voter Turnout Data Apportioning seats on the basis of posteriori votes is another, albeit far less common, possibility.[98] Theoretically, this approach offers an increased

[97] The census was aborted in 1979 when the Soviets invaded Afghanistan.

[98] According to the Epic Project (www.epicproject.org), only one country (Belarus) surveyed uses voter turnout data for apportioning seats to the legislature.

incentive for voters to turn out and cast a ballot. However, this supposition has never been tested and proven. What we do know is the following disadvantages of using posteriori votes:

- The ambitious election timetable currently in place in Afghanistan may not be able to accommodate the added pressure on the civic education program to ensure that community leaders and voters understand all of the ramifications of NOT voting, and the voter registration program to make certain that ALL eligible voters can cast a ballot.
- Any inclination to boycott the voter registration process or vote (or any bias in the registration process) will have not only immediate partisan ramifications (number of parliamentary seats won), but ramifications for geographic representation that will remain in place until the next set of elections.
- Given the currently scheduled release date for the CSO pre-census enumeration data, election officials (and any other stakeholders interested in carrying out the exercise) will be able to calculate the "effectiveness" of the registration exercise and to ascertain any bias in seat apportionment due to "ineffective" registration even before Election Day. If such a bias exists, this cannot be corrected (and may, in fact, be exacerbated) by apportioning seats on the basis of voter turnout.

Problematic Draft Electoral Law

Although the draft electoral law (dated 29 February 2004) on “Electoral Boundaries” provides for a streamlined process and a dispute resolution mechanism, there are some problems with the law as drafted. The major problem is the lack of a clearly delineated (or insufficient) timeframe for the identification of electoral boundaries and the resolution of boundary disputes. The lack of specification in portions of the “Electoral Boundaries” draft law may also cause difficulties. What follows are some comments on each of the provisions encompassed in Chapter III.

Article 11. Use of Existing Administrative Boundaries

For the purposes of electing members of the Wolesi Jirga, provincial councils, and district councils, the provinces and districts entitled to elect representatives will be those designated by the President in a decree no later than 90 days prior to the election.

Article 11 does not make clear whether the President’s decree merely lists the names of the provinces and districts entitled to elect representatives or specifies the boundaries of these provinces and districts (and records the villages assigned to each district, and the districts assigned to each province). If the boundary delimitation process is to proceed in a timely manner, it is important that the decree include all information necessary to assess the electoral constituencies (provincial and district boundaries) and assign eligible voters to the correct district and province.

The time period established for the release of the Presidential decree – 90 days prior to the election – does not provide sufficient time to resolve possible boundary disputes and

still organize elections effectively. (If a boundary dispute arises, this must be resolved before election administrators can assign voters to the correct districts and provinces.) In fact, the entire process, including the resolution of boundary disputes, should almost certainly be completed approximately 90 days prior to the election. Since the boundary dispute process is liable to take a minimum of 60 days to resolve (from the initiation of the evaluation to the resolution of any disputes), this suggests that the 90 day deadline for issuing the decree must be moved back at least an additional 60 days to 150 days prior to Election Day.

Article 12. Electoral Boundary Disputes

(1) Disputes relating to the precise boundary of any province or district shall be heard and resolved for electoral purposes only by the JEMB (Joint Election Management Body).

Article 12 does not indicate who is allowed to initiate a dispute. If no limitations are placed on potential complainants, then the dispute process may be subject to manipulation. On the other hand, the process should be as open and democratic as possible, so limiting possible complainants excessively would not be wise. At a minimum, only citizens that are residents of the district or province being disputed should be permitted to lodge a complaint.

Article 12 also does not specify how a dispute is to be recorded. For example, is a written complaint submitted to the JEMB? Or should the JEMB (or perhaps some local entity like the Regional Electoral Coordinator) be required to hold a hearing, or series of hearings, allowing citizens to object to provincial/district boundaries? A public hearing process would be time-consuming, but would be more inclusive.

There is no time period stipulated for submitting a dispute to the JEMB. But if disputes are to be resolved in a sufficiently timely manner (approximately 90 days prior to the election), then they must be initiated well before 90 days prior to the election. (Allowing disputes closer to the election could result in the disruption of an election.)

(2) The Regional Electoral Coordinator shall gather information regarding the dispute from the disputing parties and other local sources and forward that information to the JEMB.

A time limit should be placed on the Regional Electoral Coordinator for gathering and forwarding information so that the dispute resolution process is not delayed. Furthermore, if the JEMB is to decide boundary disputes on the basis of “technical criteria” (Article 12.3), then a requirement that the Regional Electoral Coordinator gather information related to these “technical criteria” should be included.

(3) The JEMB, following consultation with the Minister of Interior, shall decide the dispute on the basis of technical criteria, taking into account the information made available to it by the Regional Electoral Coordinator, and shall notify the Electoral Secretariat, the disputing parties, and local government offices of its decision.

No indication of what “technical criteria” might be is provided in the text. Perhaps the purpose of including this stipulation is to avoid a decision motivated by political considerations, in which case “objective criteria” might be a better choice of words. On

the other hand, perhaps "technical criteria" is meant to refer to such "traditional", or "internationally accepted", districting criteria as the size of the population, geographic contiguity and compactness, and remoteness of territory. Some consideration should be given to rephrasing the "technical criteria" requirement.

If the dispute resolution leads to a change in the boundaries as provided by the Presidential decree, some thought should be given to implications of this. Despite the admonishment that the boundary resolution is "for electoral purposes only", the election of a district council to a district not included in the original Presidential decree, for example, has ramifications far beyond Election Day. For instance, district and provincial councils presumably have administrative functions associated with them. Are the President and Ministry of the Interior obliged therefore to accept the JEMB resolution? If so, perhaps the resolution of boundary disputes should not reside solely with the JEMB (in consultation with the Minister of the Interior). It may be that a separate Delimitation Commission, with representatives from both the JEMB and the Ministry of the Interior, should convene to resolve boundary disputes.

Finally, no deadline for resolving the dispute and notifying the Electoral Secretariat, the disputing parties and the local government offices, is included in the provision. But any boundary dispute must be resolved in sufficient time to allow election administrators and candidates to prepare for the election. Therefore the inclusion of a timetable for the dispute resolution process, and an adjustment to the deadline for the Presidential decree, is quite important.

Table 5.1: Timeframe

Task	Time Frame
Presidential decree identifying provinces and districts, and the boundaries of the provinces and districts, entitled to representation	150 days prior to election
Submission of written complaints or completion of public hearing process	120 days prior to election
Resolution of boundary disputes	90 days prior to election

Conclusion

Before parliamentary and local elections can take place, a decision will have to be reached as to the number of districts and provinces and the boundaries of these districts and provinces (or, if not the precise boundaries, then at least the village-to-district-to-province assignments). If new provinces (and districts) are to be created, acknowledgment of this must be forthcoming immediately. Furthermore, a moratorium on the formation of additional provinces and districts must be declared well before elections are to be held.

Although it is premature at this point to decide what data to use to apportion Wolesi Jirga seats, an analysis of potential data sources, and the reliability of these sources, should be conducted closer to Election Day. Assuming that the pre-census process has been completed and the enumeration data has been deemed reliable, this data may be the best option for apportioning parliamentary seats and determining the size of provincial

and district councils. This is because the pre-census program is likely to reach more people than the voter registration process.[99]

The electoral law, as currently written, should be revised. The major problem with the current draft is the inadequate timeframe for identifying electoral boundaries and resolving boundary disputes. A lack of specification in portions of the "Electoral Boundaries" draft law may also cause difficulties.

[99] The first phase of the census is relying on door-to-door contact rather than centrally located registration sites; the enumeration program is also less likely to be boycotted for social or political reasons.

Appendix: Electoral Districting

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Balkh	1	Mazar Sharif (Center)	Balkh	Mazar Sharif (Center)	Balkh	1	District 1 (Mazar)
					Balkh	2	**District 2 (Mazar)**
					Balkh	3	**District 3 (Mazar)**
					Balkh	4	**District 4 (Mazar)**
					Balkh	5	**District 5 (Mazar)**
					Balkh	6	**District 6 (Mazar)**
					Balkh	7	**District 7 (Mazar)**
					Balkh	8	**District 8 (Mazar)**
					Balkh	9	**District 9 (Mazar)**
					Balkh	10	**District 10 (Mazar)**
Balkh	9	Balkh	Balkh	Balkh	Balkh	11	Balkh
Balkh	6	Kaldar	Balkh	Kaldar	Balkh	12	Kaldar
					Balkh	13	**Koh-i Alburz**
Balkh	4	Marmol	Balkh	Marmol	Balkh	14	Marmol
					Balkh	15	**Hayratan**
Balkh	14	Koshendah	Balkh	Koshendah	Balkh	16	Kishinda
Balkh	8	Dawlatabad	Balkh	Dawwlatabad	Balkh	17	Dawlatabad
Balkh	11	Chamtal	Balkh	Chamtal	Balkh	18	Chimtal
Balkh	2	Dehdadi	Balkh	Dehdadi	Balkh	19	Dehdadi
Balkh	3	Nahr-E-Shahi	Balkh	Nahre Shahi	Balkh	20	Nahr-i Shahi
Balkh	10	Charbolak	Balkh	Charbolak	Balkh	21	Charbulak
					Balkh	22	**Chahi**
Balkh	7	Shorteipa	Balkh	Shortipa	Balkh	23	Shor Teppa

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Balkh	5	Kholm	Balkh	Kholm	Balkh	24	Khulm
Balkh	12	Sholgra	Balkh	Sholgara	Balkh	25	Sholgara
Balkh	13	Charkent	Balkh	Charkent	Balkh	26	Charkint
Balkh	15	Zaree	Balkh	Zaree	Balkh	27	Zari & Amrakh
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Jozjan	7	Khamyab	Jozjan	Khamyab	Jawzjan	1	Khamab
					Jawzjan	2	**Qurghan**
					Jawzjan	3	**Khan Chahar Bagh**
					Jawzjan	4	**Andkhoy**
					Jawzjan	5	**Qaram Qul**
Jozjan	6	Qarqin	Jozjan	Qarqin	Jawzjan	6	Qarqin
			Jozjan	**Mangajak**	Jawzjan	7	Manjigak
Jozjan	8	Qoshtepa	Jozjan	Qoshtepa	Jawzjan	8	Qush Tapa
Jozjan	3	Faiz Abad	Jozjan	Faiz Abad	Jawzjan	9	Fayzabad (Jwzjn)
Jozjan	10	Khwaya Dukoh	Jozjan	Khwajadu Koh	Jawzjan	10	Khwaja Du Koh
Jozjan	2	Aqchah	Jozjan	Aqchah	Jawzjan	11	Aqcha
Jozjan	4	Mardyan	Jozjan	Mardyan	Jawzjan	12	Mardiyan
Jozjan	9	Darzab	Jozjan	Darzab	Jawzjan	13	Darzab
Jozjan	1	Sheirghan (Center)	Jozjan	Sheberghan	Jawzjan	14	Shiberghan city
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Faryab	1	Maimana (Center)	Faryab	Maimana (Center)	Faryab	1	Maymana city
					Faryab	2	**Khwaja Namusa**
Faryab	2	Pashtoon Kott	Faryab	Pashton Kott	Faryab	3	Pashtun Kot
Faryab	4	Almar	Faryab	Almar	Faryab	4	Almar
Faryab	5	Qaisar	Faryab	Qaisar	Faryab	5	Qaysar
					Faryab	6	**Shakh**
Faryab	3	Khawaja Sabz Poshe Wali	Faryab	Khawaja Sabz Poshe Wali	Faryab	7	Khwaja Sabz Push

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Faryab	9	Sherin Tagab	Faryab	Sherin Tagab	Faryab	8	Shirin Tagab
Faryab	10	Dawlat Abad	Faryab	Dawlat Abad	Faryab	9	Dawlatabad (Fyb)
Faryab	8	Balcheragh	Faryab	Balcheragh	Faryab	10	Bilchiragh
Faryab	7	Garziwan	Faryab	Garziwan	Faryab	11	Gurziwan
					Faryab	12	**Chilgazi**
Faryab	6	Kohistan	Faryab	Kohistan	Faryab	13	Lawlash aka Kohistan
					Faryab	14	**Bandar (W of Lawlash) aka Kohistan**
Faryab	11	**Qaram Qul**	Faryab	Qaram Qul			
Faryab	12	**Khan-E-Charbagh**	Faryab	Khan			
Faryab	13	**Andkhoi**	Faryab	Andkhoi			
Faryab	14	**Qurghan**	Faryab	Qarghan			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Sar-i Pul	5	Balkhab	Sar-i Pul	Balkhab	Sar-i Pul	1	Balkhab
					Sar-i Pul	2	**Gusfandi**
					Sar-i Pul	3	**Khurram Faza aka Tibar, Tagha-yi Khwaja**
Sar-i Pul	6	Sangcharak	Sar-i Pul	Sangcharak	Sar-i Pul	4	Sang Charak
Sar-i Pul	2	Suzma Qula	Sar-i Pul	Suzma Qala	Sar-i Pul	5	Sozma Qala
Sar-i Pul	3	Sayad	Sar-i Pul	Sayad	Sar-i Pul	6	Sayyad
					Sar-i Pul	7	**Sayyidabad (SiP)**
					Sar-i Pul	8	**Karez**
Sar-i Pul	1	Sar-i Pul (Center)	Sar-i Pul	Sar-i-Pul (Center)	Sar-i Pul	9	Sar-i Pul city
Sar-i Pul	4	Kohistanat	Sar-i Pul	Kohistanat	Sar-i Pul	10	Kohistanat (Kachan, Chiras and Pawgan & Starab)

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
			Samamgan	Aibak	Samamgan	1	Aybak city
Samamgan	3	Reroz Nakhcheer	Samamgan	Feroz Hakhcheer	Samamgan	2	Piruz Nakhjir
Samamgan	2	Hazrat-E-Sultan	Samamgan	Hazrat-E-Sultan	Samamgan	3	Hazrat Sultan
Samamgan	7	Khouram Sar Bagh	Samamgan	Khuram-O-Sharbagh	Samamgan	4	Khurram wa Sar Bagh
Samamgan	5	Darah-I-Suf Payen	Samamgan	Dareh-I-Soof-Payan	Samamgan	5	Darra-yi Suf-i Payan
Samamgan	6	Rai-Do-Ab	Samamgan	Rai-Do-Ab	Samamgan	6	Roy-i Du Ab
	4	Darah-E-Suf Hulya	Samamgan	Dareh-I-Soof-Bala	Samamgan	7	Darra-yi Suf-i Bala
Samamgan	1	Markaz-E-Wollayat					
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Kandahar	1	Kandahar (Center)			Kandahar	1	District 1 (Kdhr)
					Kandahar	2	**District 2 (Kdhr)**
					Kandahar	3	**District 3 (Kdhr)**
					Kandahar	4	**District 4 (Kdhr)**
					Kandahar	5	**District 5 (Kdhr)**
					Kandahar	6	**District 6 (Kdhr - Mashriqi Lisa is list of three districts)**
					Kandahar	7	**Kandahar - Zarghun high school**
					Kandahar	8	**Kandahar - Loy Walla (Qabristan-i Taliban)**
Kandahar	6	Ghorak			Kandahar	9	Ghorak
Kandahar	2	Daman			Kandahar	10	Daman
Kandahar	7	Maiwand			Kandahar	11	Maywand

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Kandahar	5	Khak Reiz			Kandahar	12	Khakrez
Kandahar	13	Arghestan			Kandahar	13	Arghistan
Kandahar	14	Maroof			Kandahar	14	Maruf
Kandahar	3	Shah Wali Kott			Kandahar	15	Shah Wali Kot
Kandahar	4	Arghandab			Kandahar	16	Arghandab (Kdhr)
					Kandahar	17	**Dand**
Kandahar	9	Panjai			Kandahar	18	Panjway
					Kandahar	19	**Shiga and Takhta Pul**
Kandahar	12	Espeen Boldak			Kandahar	20	Spin Boldak
Kandahar	10	Reig			Kandahar	21	Reg
Kandahar	11	Shorabak			Kandahar	22	Shorabak
Kandahar	8	**Zherai**					
Kandahar	15	**Myanesheen**					
Kandahar	16	**Nish**					
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Helmand	1	Lashkar Gah			Helmand	1	District 1 (Lashkargah)
					Helmand	2	**District 2 (Lashkargah)**
Helmand	9	Moosa Qalah			Helmand	3	Musa Qala
Helmand	7	Kajaki			Helmand	4	Kajaki
Helmand	4	Nawei Barukzai			Helmand	5	Nawa-i Barakzay
					Helmand	6	**Girishk**
					Helmand	7	**Marjah**
Helmand	11	Washeir			Helmand	8	Wayshar
Helmand	13	Desho			Helmand	9	Deshwah aka Deshuh
					Helmand	10	**Khanishin**

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
					Helmand	11	**Baghli aka Benaghli**
Helmand	10	Nawzad			Helmand	12	Nawzad
Helmand	8	Bughran			Helmand	13	Baghran
Helmand	6	Sangin Qalah			Helmand	14	Sangin
Helmand	3	Nad Ali			Helmand	15	Nad-i Ali
Helmand	5	Garm Seir			Helmand	16	Garmser aka Hazar Juft
Helmand	2	**Nahre Saraj**					
Helmand	12	**Reig Kan Sheen**					
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Urozgan	9	Dehraoud			Uruzgan	1	Deh Rawud
Urozgan	8	Shahid-E-Hassas			Uruzgan	2	Shahid-i Hasas (Charshina)
Urozgan	4	Gazab			Uruzgan	3	Gizab
		Gojran			Uruzgan	4	Kijran
Urozgan	2	Choarah			Uruzgan	5	Chora
Urozgan	3	Khas Urozgan			Uruzgan	6	Khas Uruzgan
					Uruzgan	7	**Nish / Tishin**
Urozgan	1	Terinkott (Center)			Uruzgan	8	Tirin Kot city
Urozgan	6	Daikaendi			Uruzgan	9	Day Kundi
Urozgan	5	Shahrestan			Uruzgan	10	Shahristan
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Zabul	10	Shemel Zayi			Zabul	1	Shumulzay
Zabul	7	Tarnk-O-Jaldak			Zabul	2	Shahr-i Safa aka Tarnak Jaldak
Zabul	4	Kakar			Zabul	3	Khak-i Afghan aka Kakar
Zabul	5	Daichopan			Zabul	4	Day Chopan

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Zabul	8	Shinkai			Zabul	5	Shinkay
					Zabul	6	**Suri**
Zabul	9	Atghar			Zabul	7	Atghar
					Zabul	8	**Naw Bahar**
Zabul	6	Mizan			Zabul	9	Mizan
Zabul	3	Arghandab			Zabul	10	Arghandab (Zbl)
Zabul	2	Shah Joi			Zabul	11	Shah Juy
Zabul	1	Qalat			Zabul	12	Qalat-i Ghilzay
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Neemroz	3	Char Burjak			Nimroz	1	Chahar Burjak
Neemroz	4	Asl-I-Chakhansoor			Nimroz	2	Chahansur
Neemroz	2	Kang			Nimroz	3	Kang
Neemroz	1	Zaranj			Nimroz	4	Zaranj city
Neemroz	5	Khashroad			Nimroz	5	Khash Rod
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Nangerhar	1	Jalalabad	Nangerhar	Jalalabad	Nangarhar	1	District 1 (Jlbd)
					Nangarhar	2	**District 2 (Jlbd)**
					Nangarhar	3	**District 3 (Jlbd)**
					Nangarhar	4	**District 4 (Jlbd)**
Nangerhar	17	Dur Baba	Nangerhar	Dur Baba	Nangarhar	5	Dur Baba
Nangerhar	22	Lalpoor	Nangerhar	Lalpoor	Nangarhar	6	Lalpur
Nangerhar	4	Chiperhar	Nangerhar	Chaperhar	Nangarhar	7	Chaprahar
Nangerhar	10	Hesarak	Nangerhar	Hesarak	Nangarhar	8	Hisarak
Nangerhar	3	Surkhrod	Nangerhar	Surkhrod	Nangarhar	9	Surkh Rod
Nangerhar	12	Pachar Wagam	Nangerhar	Pachar Wagam	Nangarhar	10	Pachir wa agam
Nangerhar	5	Rodat	Nangerhar	Rodat	Nangarhar	11	Rodad
Nangerhar	2	Behsood	Nangerhar	Behsood	Nangarhar	12	Behsud (Ngrhr)
Nangerhar	9	Shairzad	Nangerhar	Shairzad	Nangarhar	13	Sherzad
Nangerhar	7	Kooz Konar	Nangerhar	Kooz Konar	Nangarhar	14	Khewa aka kus

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
							kunar aka shewa
Nangerhar	6	Kama	Nangerhar	Kama	Nangarhar	15	Kama
Nangerhar	13	Dahbala	Nangerhar	Dahbala	Nangarhar	16	Khas Kamina aka Deh Bala
					Nangarhar	17	**Spin Ghar**
Nangerhar	15	Achin	Nangerhar	Achin	Nangarhar	18	Achin
Nangerhar	16	Nazyan	Nangerhar	Nazyan	Nangarhar	19	Naziyan
Nangerhar	18	Shenwar	Nangerhar	Shenwar	Nangarhar	20	Shinwar
Nangerhar	14	Kott	Nangerhar	Kott	Nangarhar	21	Kot
Nangerhar	8	Darah Noor	Nangerhar	Dara Noor	Nangarhar	22	Darra-yi Nur
Nangerhar	21	Goshta	Nangerhar	Goshta	Nangarhar	23	Goshta
Nangerhar	11	Khogyani			Nangarhar	24	Khogyani
Nangerhar	20	Muhmand Dara	Nangerhar	Muhmand Dara	Nangarhar	26	Mohmand Darra
Nangerhar	19	Bati Kot	Nangerhar	Bati Kot	Nangarhar	27	Bati Kot
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Nooristan	4	Waigal	Nooristan	Waigal	Nuristan	1	Waygal
					Nuristan	2	**Ghaziabad / Darra-yi Pech**
Nooristan	3	Duaba	Nooristan	Duab	Nuristan	3	Du Ab
Nooristan	6	Modawel	Nooristan	Mandawel	Nuristan	4	Mandol
Nooristan	8	Bargermatal	Nooristan	Bargermatal	Nuristan	5	Barg Matal
Nooristan	5	Wama	Nooristan	Wama	Nuristan	6	Wama
Nooristan	7	Kamdesh	Nooristan	Kamdesh	Nuristan	7	Kamdesh
					Nuristan	8	**Nangaraj**
Nooristan	2	Noor Gram	Nooristan	Noor Gram	Nuristan	9	Nawgram - Nangalam in Kunar
					Nuristan	10	Nahr-i Shahi
Nooristan	1	**Markaz**	Nooristan	Marakaz			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Kunarha	12	Sawki	Kunarha	Sawki	Kunar	1	Chawkay
Kunarha	3	Dareh Peich	Kunarha	Dareh Peich	Kunar	2	Darra-yi Pech (subdivided in Pech, Nangalam)
Kunarha	14	Narai	Kunarha	Narai	Kunar	3	Narri
Kunarha	11	Noor Gool	Kunarha	Noor Gool	Kunar	4	Nurgul
Kunarha	10	Chapa Dara	Kunarha	Chapa Dara	Kunar	5	Chappa Darra
Kunarha	6	Murwara	Kunarha	Murwara	Kunar	6	Marwara
Kunarha	7	Dangam	Kunarha	Dangam	Kunar	7	Dangam
Kunarha	13	Khas Kunar	Kunarha	Khas Kunar	Kunar	8	Khas Kunar
Kunarha	2	Watapoor	Kunarha	Watapoor	Kunar	9	Watapur
Kunarha	1	Asad Abad (Center)	Kunarha	Asad Abad (Center)	Kunar	10	Asadabad city
					Kunar	11	**Narang wa Badil**
Kunarha	9	Shiga-O-Shelton	Kunarha	Shiga-O-Shelton	Kunar	12	Shiltan
Kunarha	8	Bar Kunar	Kunarha	Bar Kunar	Kunar	13	Bar Kunar (Asmar)
Kunarha	5	Sar Kani	Kunarha	Sar Kani	Kunar	14	Sarkani
Kunarha	4	**Tarango Badil**	Kunarha	Tarango Badil			
Kunarha	15	**Ghazi Abad**	Kunarha	Ghazi Abad			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Laghman	4	Alishing	Laghman	Alishing	Laghman	1	Ali Shing
Laghman	3	Alingar	Laghman	Alingar	Laghman	2	Aling Gar
Laghman	5	Dawlat Shah	Laghman	Dawolatabad	Laghman	3	Dawlat Shah
Laghman	1	Mehterlam (Center)	Laghman	Mahterlam	Laghman	4	Mehtarlam city
Laghman	2	Qarghai	Laghman	Qarghai	Laghman	5	Qarghayi
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Paktia	9	Samkanai			Paktia	1	Chamkani
Paktia	10	Jani Kheil			Paktia	2	Jani Khel (Paktiya)
					Paktia	3	**Lacha Mangal**
					Paktia	4	**Marama**

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Paktia	4	Zurmat			Paktia	5	Zurmat
Paktia	6	Waza Zadran			Paktia	6	Wuza / Jadran / Zadran
Paktia	8	Laja Ahmad Kheil			Paktia	7	Ahmad Khel
Paktia	1	Gardeiz (Center)			Paktia	8	Gardez
					Paktia	9	**Gardez city**
					Paktia	10	**Shumul**
Paktia	11	Dand Patan			Paktia	11	Dand wa Patan
Paktia	3	Jaji			Paktia	12	Jaji aka hajji Aryub
Paktia	2	Said Karam			Paktia	13	Sayyid Karam 1
					Paktia	14	**Sayyid Karam 2**
Paktia	5	Shawak			Paktia	15	Shwak
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Paktika	8	Jani Kheil			Paktika	1	Jani Khel (Paktika)
Paktika	5	Omneh			Paktika	2	Umna
Paktika	12	Zirok			Paktika	3	Zerak
Paktika	19	Gayan			Paktika	4	Giyan
Paktika	3	Yosef Kheil			Paktika	5	Yusuf Khel
					Paktika	6	**Khoshama aka Momand**
					Paktika	7	**Maki aka Naka**
					Paktika	8	**Baki Khel**
					Paktika	9	**Khayr Kot**
Paktika	11	Urgoon			Paktika	10	Urgun aka Sharan
					Paktika	11	**Surkh Darra**
Paktika	2	Mata Khan			Paktika	12	Mata Khan
Paktika	18	Barmal			Paktika	13	Barmal
Paktika	9	Gomal			Paktika	14	Gomal
Paktika	15	Wazakhwa			Paktika	15	Wazi Khwah

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Paktika	4	Yahya Kheil			Paktika	16	Yahya Khel
Paktika	10	Surubi			Paktika	17	Sarobi (Pktka)
					Paktika	18	Arghun Shah
					Paktika	20	Shokhi Khel
					Paktika	21	Arma
Paktika	1	Sharan (Center)			Paktika	22	Sharan
Paktika	6	**Sar Rawza**					
Paktika	7	**Zarghoon Shaher**					
Paktika	13	**Nika**					
Paktika	14	**Dela**					
Paktika	16	**Turwa**					
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
					Ghazni	1	Ghazni city
Ghazni	19	Nawa	Ghazni	Nawa	Ghazni	2	Nawa
Ghazni	18	Gellan	Ghazni	Gellan	Ghazni	3	Gilan
Ghazni	14	Malestan	Ghazni	Malestan	Ghazni	4	Malistan
Ghazni	7	Jaghatoo	Ghazni	Jaghatoo	Ghazni	5	Jaghatu
Ghazni	6	Shahidm-W-Khogyani	Ghazni	Shahidm-W-Khogyani	Ghazni	6	Shahid Muhammad Khogyani
Ghazni	9	Qara Bagh	Ghazni	Qara Bagh	Ghazni	7	Qara Bagh
Ghazni	4	Khowja Omery	Ghazni	Khowja Umery	Ghazni	8	Khwaja Umari
Ghazni	15	Jaghori	Ghazni	Jaghori	Ghazni	9	Jaghori
Ghazni	2	Dah Yar	Ghazni	Dehyak	Ghazni	10	Dah Yak
Ghazni	12	Nawur	Ghazni	Nawur	Ghazni	11	Nawur
Ghazni	10	Giro	Ghazni	Giro	Ghazni	12	Gero
Ghazni	5	Rashidan	Ghazni	Rashidan	Ghazni	13	Rashidan
Ghazni	17	Ab Band	Ghazni	Ab Band	Ghazni	14	Ab Band
Ghazni	13	Ajrestan	Ghazni	Ajrestan	Ghazni	15	Ajristan
Ghazni	11	Ander	Ghazni	Andar	Ghazni	16	Andar

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Ghazni	16	Muqur	Ghazni	Muqur	Ghazni	17	Muqur
Ghazni	3	Zana Khan	Ghazni	Zanakhdam	Ghazni	18	Zanakhan
Ghazni	8	Waghaz	Ghazni	Waghaz	Ghazni	19	Waghaz
Ghazni	1	Markaz	Ghazni	Markaz			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Khost	6	Mandozayi	Khost			1	Ismail Mandozay
	7	Jaji Maidan				2	Jaji Maydan
						3	**Yaqubi Tijrani**
						4	**Deh Sati**
	12	Gurbuz				5	Gurbuz / Markaz
	8	Qalander				6	Qalandar
						7	**Ali Saparud**
						8	**Mak**
	2	Tareizayi				9	Trayzay / Garez
	10	Espera				10	Spera / Sapeda
	9	Nadershah Kott				11	Nadir Shah Kot
	1	Khost (Center)				12	Khost center
	5	Musa Kheil				13	Musa Khel (disp.)
	11	Tanai				14	Tanay
						15	Dwa Manda
	3	**Bak**					
	4	**Sabari**					
	13	**Shemal**					
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Kabul	1	Kabul (Center)	Kabul	Kabul (Center)	Kabul	1	District 1 (Kbl)
					Kabul	2	**District 3 (Kbl)**
					Kabul	3	**District 4 (Kbl)**
					Kabul	4	**District 5 (Kbl)**
					Kabul	5	**District 6 (Kbl)**

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
					Kabul	6	**District 7 (Kbl)**
					Kabul	7	**District 8 (Kbl)**
					Kabul	8	**District 9 (Kbl)**
					Kabul	9	**District 10 (Kbl)**
					Kabul	10	**District 11 (Kbl)**
					Kabul	11	**District 12 (Kbl)**
					Kabul	12	**District 15 (Kbl)**
					Kabul	13	**District 16 (Kbl)**
					Kabul	14	**Karta Aryana (Kbl)**
Kabul	5	Qarabagh	Kabul	Qarabagh	Kabul	15	Qara Bagh
Kabul	15	Surubi	Kabul	Surubi	Kabul	16	Sarobi (Kbl)
Kabul	9	Paghman	Kabul	Paghman	Kabul	17	Paghman
Kabul	12	Khak-I-Jabar	Kabul	Khak-I-Jabar	Kabul	18	Khak-i Jabbar
Kabul	10	Char Asiab	Kabul	Char Asiab	Kabul	19	Chahar Asyab
Kabul	14	Dahsabz	Kabul	Dahsabz	Kabul	20	Deh Sabz
Kabul	3	Farza	Kabul	Farza	Kabul	21	Farza
Kabul	6	Estalef	Kabul	Estalef	Kabul	22	Istalif
Kabul	7	Guldara	Kabul	Guldara	Kabul	23	Gul Darra
Kabul	13	Bagrami	Kabul	Bagrami	Kabul	24	Bagrami
Kabul	4	Kalkan	Kabul	Kalakan	Kabul	25	Kalakan
Kabul	2	Mirbachkot	Kabul	Mirbachakot	Kabul	26	Mir Bacha Kot
Kabul	11	Masahi	Kabul		Kabul	27	Musai
Kabul	8	Shaker Darah	Kabul	Shaker Darah	Kabul	28	Shakar Darra
					Kabul	30	**District 2 (Kbl)**
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
			Parwan	**P. Rolar Charikar**	Parwan	1	District 1 Charikar
					Parwan	2	District 2 Charikar
					Parwan	3	District 3 Charikar
					Parwan	4	District 4 Charikar

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
					Parwan	5	District 5 Charikar
					Parwan	6	District 6 Charikar
					Parwan	7	District 7 Charikar
Parwan	14	Hes 1 Panjshir	Parwan	Hes 1 Panjshir	Parwan	8	Panjsher 1
Parwan	13	Hesa 2 Panjshir	Parwan	Hesa 2 Panjshir	Parwan	9	Panjsher 2
Parwan	9	Hesa 3 Panjshir	Parwan	Hesa 3 Panjshir	Parwan	10	Panjsher 3
Parwan	8	Hesa 4 Panjshir	Parwan	Hesa 4 Panjshir	Parwan	11	Panjsher 4
Parwan	10	Shaikh Ali	Parwan	Shikh Ali	Parwan	12	Shaykh Ali
Parwan	7	Bagram	Parwan	Bagram	Parwan	13	Bagram
Parwan	5	Shenwari	Parwan	Shinwari	Parwan	14	Shinwari
Parwan	11	Sorkh Parsa	Parwan	Surkh Parsa	Parwan	15	Surkh Parsa
Parwan	6	Seyagerd Ghorband	Parwan	Seyagerd Ghorband	Parwan	16	Siyah Gird Ghorband
Parwan	4	Salank	Parwan	Salang	Parwan	17	Salang
Parwan	3	Jabul Saraj	Parwan	Jabul Saraj	Parwan	18	Jabal as-Siraj
Parwan	2	Sayid Khail	Parwan	Sayid Khail	Parwan	19	Sayyid Khel
Parwan	12	Kohe Safi	Parwan	Kohi Safi	Parwan	20	Koh-i Safi
Parwan	1	Markaz-I-Parwan	Parwan	Markaz-I-Parwan			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Kapisa	1	Mahmood Raqi	Kapisa	Mahmod Raqi	Kapisa	1	Mahmud Raqi
Kapisa	6	Tagab	Kapisa	Tagab	Kapisa	2	Tagab
Kapisa	2	Hesa Duwum Kohistan	Kapisa	Hesa Duwum Kohistan	Kapisa	3	Kohistan 1
Kapisa	3	Kohistan Hesa Awal	Kapisa	Kohistan Hesa Awal	Kapisa	4	Kohistan 2
Kapisa	5	Koh Band	Kapisa	Koh Band	Kapisa	5	Koh Band
Kapisa	4	Najrab	Kapisa	Negrab	Kapisa	6	Nijrab
Kapisa	7	Alasai	Kapisa	Halasah	Kapisa	7	Alasay
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Wardak	9	Nerkh	Wardak	Nerkh	Wardak	1	Nirkh

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Wardak	2	Jalraiz	Wardak	Jalriz	Wardak	2	Jalrez
Wardak	5	Daimirdad	Wardak	Daimirdad	Wardak	3	Day Mirdad
Wardak	1	Maidan-Shahr	Wardak	Maidan-Shahr	Wardak	4	Maydan Shahr
Wardak	3	Hesa-Awal-Behsud	Wardak	Hesa-Awal-Behsud	Wardak	5	Behsud 1
Wardak	4	Markaz-I-Behsod	Wardak	Markaz-I-Behsod	Wardak	6	Behsud 2 (Behsud Center)
Wardak	8	Sayed Abad	Wardak	Said Abad	Wardak	7	Sayyidabad 1 (Wdk)
					Wardak	8	**Sayyidabad 2**
Wardak	7	Chak	Wardak	Chak	Wardak	9	Chak
Wardak	6	Jaghato	Wardak	Chaghto	Wardak	10	Jaghatu (Wdk)
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Logar	5	Mohammad Agha	Logar	Mohammad Agha	Logar	1	Muhmammad Agha
Logar	2	Barakibarak	Logar	Barakibarak	Logar	2	Baraki Barak
Logar	1	Pulle-Alam (Center)	Logar	Pul-i-Alam	Logar	3	Pul-i Alam
Logar	3	Charkh	Logar	Charkh	Logar	4	Charkh
Logar	4	Khushi	Logar	Khoshi	Logar	5	Khoshi
Logar	6	Kharwar	Logar	Kharwar	Logar	6	Kharwar
Logar	7	Azraw	Logar	Azer	Logar	7	Azro
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Herat	1	Herat (Center)	Herat	Herat (Center)	Herat	1	Herat District 1
					Herat	2	**Herat District 2**
					Herat	3	**Herat District 3**
					Herat	4	**Herat District 4**
					Herat	5	**Herat District 5**
					Herat	6	**Herat District 6**
					Herat	7	**Herat District 7**
					Herat	8	**Herat District 8**
					Herat	9	**Herat District 9**

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
					Herat	10	**Herat District 10**
Herat	2	Enjil	Herat	Enjil	Herat	11	Injil
Herat	16	Kishk-I-Kahna	Herat	Kishk-I-Kahna	Herat	12	Kushk-i Kohna
Herat	13	Farsi	Herat	Farsi	Herat	13	Farsi
Herat	11	Adrashan	Herat	Adraskan	Herat	14	Adraskan
Herat	8	Kohsan	Herat	Kohsan	Herat	15	Kohsan
Herat	3	Guzera	Herat	Guzera	Herat	16	Guzara
Herat	9	Ghoryan	Herat	Ghoryan	Herat	17	Ghoriyan
Herat	7	Guldan	Herat	Gulran	Herat	18	Gulran
Herat	4	Pashton Zarghoon	Herat	Pashton Zarghoon	Herat	19	Pashtun Zarghun
Herat	14	Obeh	Herat	Obeh	Herat	20	Oba
Herat	5	Karukh	Herat	Karukh	Herat	21	Karrukh
Herat	12	Shindand	Herat	Shindand	Herat	22	Shindand
Herat	10	Zandajan	Herat	Zendajan	Herat	23	Zinda Jan
Herat	15	Cheshtosharif	Herat	Cheshtosharif	Herat	24	Chisht-i Sharif
			Herat	**Kushk**	Herat	25	Kushk Rubat-i Sangin (incl. Torghundi)
					Herat	26	IDP camp
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Farah	11	Pur Chaman			Farah	1	Purchaman
Farah	5	Qala-I-Kah			Farah	2	Qala-yi Kah
Farah	4	Anar Darah			Farah	3	Anardarra
Farah	8	Bakwa			Farah	4	Bakwa
Farah	9	Bala Blook			Farah	5	Bala Buluk
Farah	1	Farah (Center)			Farah	6	Farah city
Farah	2	Posht Road			Farah	7	Pusht-i Rod
Farah	6	Sheib Koh			Farah	8	Sheb Koh
Farah	7	Lask Jaween			Farah	9	Lash Juwayn

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Farah	3	Khak-I-Safeid			Farah	10	Khak-i Safed
Farah	10	Gulestan			Farah	11	Gulistan
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Ghor	4	Shahrak	Ghor	Shahrak	Ghor	1	Shahrak
Ghor	5	Duleena	Ghor	Duleena	Ghor	2	Dulayna
Ghor	6	Passaband	Ghor	Pasaband	Ghor	3	Pasaband
Ghor	10	Teyora	Ghor	Teyora	Ghor	4	Taywara
Ghor	1	Chaghcharan	Ghor	Cheghchran	Ghor	5	Chaghcharan
Ghor	3	Chahar Sada	Ghor	Charsada	Ghor	6	Charsadda
Ghor	9	Saghar	Ghor	Saghar	Ghor	7	Saghar
Ghor	8	Tolak	Ghor	Tolak	Ghor	8	Tolak
Ghor	7	Lal-O-Sarjangal	Ghor	Lal-O-Sarjangal	Ghor	9	Lal Sar Jangal
Ghor	2	Dowlatyar	Ghor	Doalatyor	Ghor	10	Dawlatyar
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Badghis	5	Jawand	Badghis	Jawand	Badghis	1	Jawand
Badghis	1	Qala-I-Now	Badghis	Qala-I-Now	Badghis	2	Qala-yi Naw
Badghis	4	Qadis	Badghis	Qadis	Badghis	3	Qadis
Badghis	7	Murghab	Badghis	Murghab	Badghis	4	Mughab
Badghis	2	Muqur	Badghis	Muqur	Badghis	5	Muqur
Badghis	6	Ghormach	Badghis	Ghormach	Badghis	6	Ghormach
Badghis	3	Ab Kamari	Badghis	Ab-e-Kamari	Badghis	7	Abu Kamari
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Kunduz					Qunduz	1	Qunduz city women
Kunduz	1	Markaz Kunduz			Qunduz	2	District 1 (Qunduz)
					Qunduz	3	**District 2 (Qunduz)**
					Qunduz	4	**District 3 (Qunduz)**
					Qunduz	5	**District 4**

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
							(Qunduz)
Kunduz	6	Khan Abad			Qunduz	6	Khanabad
Kunduz	5	Ali Abad			Qunduz	7	Aliabad
Kunduz	7	Dasht-I-Archi			Qunduz	8	Archi
Kunduz	2	Imam Saheb			Qunduz	9	Imam Sahib
Kunduz	3	Qala-I-Zal			Qunduz	10	Qala-yi Zal
Kunduz	4	Char Dara			Qunduz	11	Chardarra
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Takhar	9	Farkhar	Takhar	Farkhar	Takhar	1	Farkhar
Takhar	17	Warsaj	Takhar	Warsag	Takhar	2	Wursaj
Takhar	10	Kalfagan	Takhar	Kalfagan	Takhar	3	Kalafgan
Takhar	11	Rustaq	Takhar	Rustaq	Takhar	4	Rustaq
Takhar	12	Chahab	Takhar	Chahab	Takhar	5	Chah-i Ab
Takhar	14	Khowja Bahowdin	Takhar	Khowaja Bahauldin	Takhar	6	Khwaja Bahauddin
Takhar	16	Dasht-E-Qala	Takhar	Dashti Qala	Takhar	7	Dasht-i Qala
Takhar	15	Darqad	Takhar	Darqad	Takhar	8	Darqad
Takhar	1	Tulaqan	Takhar	Taluqan	Takhar	9	Taluqan
Takhar	13	Yangi Qala	Takhar	Yange Qala	Takhar	10	Yangi Qala
Takhar	5	Bangi	Takhar	Bangi	Takhar	11	Bangi
Takhar	3	Baharak	Takhar	Baharak	Takhar	12	Baharak
Takhar	7	Chal	Takhar	Chal	Takhar	13	Chal
Takhar	2	Hazar Samuch	Takhar	Hazar Samuch	Takhar	14	Hazar Sumuch
Takhar	4	Khowja Ghar	Takhar	Khowja Ghar	Takhar	15	Khwaja Ghar
Takhar	6	Eshkamesh	Takhar	Eshkamesh	Takhar	16	Ishkamish
Takhar	8	Namak-Ab	Takhar	Namak-Ab	Takhar	17	Namakab
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Badakhshan	1	Faiz Abad	Badakhshan	Faiz Abad	Badakhshan	1	Fayzabad & Yaftal-i Bala
Badakhshan	5	Khash	Badakhshan	Khash	Badakhshan	2	Khash

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Badakhshan	14	Tagab	Badakhshan	Tagab	Badakhshan	3	Tagab-i Kishm
Badakhshan	12	Shahr-E-Buzurg	Badakhshan	Shahrak-e-Buzurg	Badakhshan	4	Shahr-i Buzurg
Badakhshan	15	Tashkan	Badakhshan	Tashkan	Badakhshan	5	Tishkan
Badakhshan	4	Darayem	Badakhshan	Darayem	Badakhshan	6	Darrayim
Badakhshan	11	Yawan	Badakhshan	Yawan	Badakhshan	7	Yawan
Badakhshan	9	Shuhada	Badakhshan	Shuhda	Badakhshan	8	Shuhada
Badakhshan	10	Kohistan	Badakhshan	Kohistan	Badakhshan	9	Kohistan-i Ragh
Badakhshan	8	Baharak	Badakhshan	Baharak	Badakhshan	10	Baharak
Badakhshan	7	Wardouj	Badakhshan	Warduj	Badakhshan	11	Warduj
			Badakhshan	**Eshkashem**	Badakhshan	12	Ishkashim
Badakhshan	6	Jurm	Badakhshan	Jurm	Badakhshan	13	Jurm
Badakhshan	3	Urgo	Badakhshan	Urgo	Badakhshan	14	Argo
Badakhshan	25	Yamgan	Badakhshan	Yumkan	Badakhshan	15	Yamgan
Badakhshan	20	Sheghnan	Badakhshan	Sheghnan	Badakhshan	16	Shughnan
Badakhshan	16	Karan-O-Menjan	Badakhshan	Karan-O-Menjan	Badakhshan	17	Kiran wa Munjan
Badakhshan	23	Khwahan	Badakhshan	Khwahan	Badakhshan	18	Khwahan
Badakhshan	24	Kof Ab	Badakhshan	Kof Ab	Badakhshan	19	Kufab
Badakhshan	2	Yaftal Payan	Badakhshan	Yaftel Payan	Badakhshan	20	Yaftal-i Payan
Badakhshan	27	Darwaz Mah-O-May	Badakhshan	Darwaz Mah-O-May	Badakhshan	21	Darwaz
Badakhshan	21	Arghanj Khawa	Badakhshan	Arghanj Khawa	Badakhshan	22	Arghanchkhwah
Badakhshan	19	Wakhan	Badakhshan	Wakhan	Badakhshan	23	Wakhan
Badakhshan	17	Zebak	Badakhshan	Zebak	Badakhshan	24	Zebak
Badakhshan	22	Raghistan	Badakhshan	Raghistan	Badakhshan	25	Raghistan
Badakhshan	26	Darwaze Bala Nasi	Badakhshan	Darwaze Bala Nasi	Badakhshan	26	Darwaz-i Bala
Badakhshan	28	Sheike	Badakhshan	Sheiki	Badakhshan	27	Shikay
Badakhshan	13	Kishm	Badakhshan	Kishm	Badakhshan	28	Kishim
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
Baghlan	6	Bano Andarab	Baghlan	Andarah (Banw)	Baghlan	1	Andarab
Baghlan	2	Baghlan Jadeed	Baghlan	Baghlan Jadeed	Baghlan	2	Baghlan ctr

UNAMA Provinces/Districts			CSO Amended Provinces/Districts		ELJ Provinces/Districts		
Province	No.	District	Province	District		No.	District
Baghlan	3	Dhana-I-Ghori	Baghlan	Dhana-I-Ghori	Baghlan	3	Dahana-yi Ghori
Baghlan	13	Khost-O-Fereng	Baghlan	Khost-O-Fereng	Baghlan	4	Khost (Bgln)
Baghlan	10	Pul-I-Hesar	Baghlan	Pul-I-Hesar	Baghlan	5	Pul-i Hisar
Baghlan	9	Tala-O-Barfak	Baghlan	Tala-O-Barfak	Baghlan	6	Tala wa Barfak
					Baghlan	7	**Firing**
Baghlan	5	Khenjan	Baghlan	Khenjan	Baghlan	8	Khinjan
Baghlan	4	Dooshi	Baghlan	Dooshi	Baghlan	9	Doshi
Baghlan	1	Pul-I-Khumri	Baghlan	Pul-i-Khomri	Baghlan	10	Pul-i Khumri city
Baghlan	8	Borka	Baghlan	Barkah	Baghlan	11	Burka
Baghlan	7	Nahreen	Baghlan	Nahreen	Baghlan	12	Nahrin
Baghlan	12	Jelga	Baghlan	Jalga	Baghlan	13	Jalga
Baghlan	11	**Dehe Salah**	Baghlan	Dehe Salah			
Baghlan	14	**Freng-Gharo**	Baghlan	Freng-o-Ghano			
Baghlan	15	**Gozar-Gahe-Noor**	Baghlan	Gozargage Noor			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**
					Bamyan	1	Bamyan center
Bamyan	2	Shebar	Bamyan	Shebar	Bamyan	2	Shibar
Bamyan	6	Panjab	Bamyan	Panjab	Bamyan	3	Panjab
Bamyan	4	Kohmard	Bamyan	Khoumard	Bamyan	4	Kahmard
Bamyan	7	Waras	Bamyan	Waras	Bamyan	5	Waras
Bamyan	5	Yakawulang	Bamyan	Yakawulang	Bamyan	6	Yakawlang 1
					Bamyan	7	**Yakawlang 2**
Bamyan	3	Saighan	Bamyan	Sighan	Bamyan	8	Sayghan
Bamyan	1	Markaz-Wollayat	Bamyan	Markaz-Wollayat			
Province	**No.**	**District**	**Province**	**District**		**No.**	**District**

Chapter 6

Case Study: Australia

Michael Maley
February 2005

Case Study: Australia

Using Projections to Equalize Electoral District Populations

Michael Maley • February 2005

In Australia[100] the overriding principle in delimiting electoral boundaries, or redistribution as the process is referred to in Australia, is population equality. Redistributions in Australia endeavor to ensure that each State and Territory is granted representation in the House of Representatives in proportion to the State or Territory's population, and that there are as nearly as practicable the same number of electors in each electoral division (district) for a given State or Territory.[101]

The electoral law is very specific about how much variation from population equality will be tolerated: At the time of the redistribution, the number of people enrolled in each electoral division may not vary from the population quota (average) by more than ten percent. More unique is the requirement that at the point three and a half years after the expected completion of the redistribution, the division populations should not vary from the average by more or less than 3.5 percent. It is these very precise, objective numerical criteria that drive the redistribution process in Australia.

Timing of Redistributions

The *Commonwealth Electoral Act 1918* provides the machinery and principles for revising the electorate boundaries in each State for the House of Representatives. Under Section 59 of the *Electoral Act,* there are only three situations in which a redistribution of a State or Territory represented in the Parliament can be initiated:

- When changes in the distribution of population require a change in the number of members of the House of Representatives to be allocated to a State or Territory;
- When more than one third of the divisions within a State deviate from the average divisional enrolment for the State by more than ten percent, and have done so for more than two consecutive months; or
- When seven years have elapsed since the State or Territory was last redistributed

[100] This case study was prepared by Michael Maley for the Administration and Cost of Elections (ACE) Project and updated by Lisa Handley. Much of the information in this case study can be found in an article authored by Michael Maley, Trevor Morling and Robin Bell entitled "Alternative ways of redistricting with single-member seats: the case of Australia," which appeared in *Fixing the Boundaries: Defining and Redefining Single-Member Electoral Districts*, edited by Iain McLean and David Butler and published by Dartmouth Publishing Company: England, 1996. The website of the Australian Election Commission (www.aec.org.au) also proved invaluable in preparing and updating this study.

[101] The Australian parliament is bicameral, with the Senate elected using a proportional representation system and the House of Representatives elected from single member districts. To ensure equal representation, the boundaries of these divisions must be redrawn periodically. Australia is not redistributed as a single entity; redistributions are undertaken separately for each State and Territory.

Of the three possible "triggers" for redistributions, change in representation entitlements has accounted for the majority of redistributions initiated since 1984; redistributions triggered by malapportionment (deviating from the divisional enrolment by more than ten percent) are rare. (Appendix A provides a list and the dates of all redistributions commenced since 1901.)

Calculating Apportionment

The method used to determine the number of House of Representative seats each State is entitled to is specified both in section 24 of *The Constitution* and section 48 of the *Commonwealth Electoral Act 1918*. During the thirteenth month after the first sitting of the House of Representatives, the Electoral Commissioner is required to ascertain the population of the Commonwealth (excluding the Territories) according to the latest official statistics available from the Australian Statistician. These figures are then used to determine how many Members of the House of Representatives (and therefore divisions) each State is entitled to. A similar exercise is used to calculate the entitlements of the Territories.[102]

Section 48 of the *Electoral Act* prescribes the calculation as follows:

(a) A quota shall be ascertained by dividing the number of people of the Commonwealth, as ascertained in accordance with section 46, by twice the number of Senators for the States;

(b) The number of members to be chosen in each State shall be determined by dividing the number of people of the State, as ascertained in accordance with section 46, by the quota, and had if on such a division there is a remainder greater than one-half of the quota, one more member shall be chosen for the State.

For example, the determination of representation entitlements on 19 February 2003 was made as follows:

Step 1: ***Quota*** $= \dfrac{\textbf{total population of the six states}}{\textbf{2 x number of Senators for the States}}$

$$\frac{19205190}{72 \times 2}$$

$$= 133369.375$$

Step 2: ***Number of Divisions*** $= \dfrac{\textbf{total population of individual State or Territory}}{\textbf{Quota}}$

[102] The Commonwealth of Australia is composed of six States (New South Wales, Victoria, Queensland, Western Australia, South Australia, and Tasmania) and two Territories, the Northern Territory and the Australian Capital Territory (which was formed as Australia's seat of Parliament).

Based on these calculations, the following apportionment of Members (and electoral divisions) was announced:

Table 6.1: 2003 Apportionment

	Population	Entitlement	Number of Members	Change
New South Wales	6657478	49.9176	50	
Victoria	4888243	36.6519	37	
Queensland	3729123	27.9609	28	+1
Western Australia	1934508	14.5049	15	
South Australia	1522467	11.4154	11	-1
Tasmania	473371	3.5493	5*	
Australian Capital Territory (ACT)	322871	2.4209	2	
Northern Territory	199760	1.4978	1	-1
Total			**149**	

** The Constitution states that at least five Members shall be chosen from each of the original six States and therefore Tasmania is guaranteed a minimum of five Members.*

A redistribution must ensue if the number of Members allocated to a State or Territory changes relative to the previous number. The 2003 apportionment triggered redistributions in Queensland (which gained a Member relative to the previous allocation) and South Australia (which lost a Member relative to the previous allocation).

Redistribution Authority

Once it is determined that a State or Territory must be redistributed, a Redistribution Committee for that State or Territory is established. The *Commonwealth Electoral Act 1918* requires that each committee consist of the following people:

- The Electoral Commissioner (EC) of the Australian Electoral Commission – this statutory officer is the administrative head and one of three members of the national commission
- The Australian Electoral Officer (AEO) for the particular State or Territory – this statutory officer heads the Australian Electoral Commission's administrative structures in the State
- The Surveyor-General (SG) for the State (or, if the State has no Surveyor-General, the person holding an equivalent office)
- The Auditor-General (AG) for the State (or, if unavailable, a senior Australian public servant)

The Redistribution Committee has the task of producing a set of boundaries and names for electoral divisions for the House of Representatives in that particular State or Territory.

After the proposed redistribution has been published, an augmented Electoral Commission is established to consider these objections and make a final determination of the boundaries. This body consists of the Redistribution Committee for the State, plus the two members of the three-member Australian Electoral Commission who were not members of the Redistribution Committee: the Chairperson of the Commission and the so-called non-judicial Commissioner (the Australian Statistician).

There appears to be a consensus among Australia's main political parties that the membership of the Redistribution Committees and augmented Electoral Commissions is appropriate and that these bodies operate in an independent and politically neutral manner.

Steps in the Redistribution Process

Once the Electoral Commission directs the commencement of the redistribution, the enrolment quota for the particular State or Territory is determined by the Electoral Commissioner and the Redistribution Committee for that State or Territory is appointed by the Electoral Commission.

The Electoral Commissioner invites written suggested from interested person or organizations which must be provided to the Redistribution Committee within 30 days. The suggestions are made available for public inspection and comments may be lodged within 14 days.

The Redistribution Committee then considers the public suggestions and comments and develops a set of proposed boundaries. The plan is published and maps showing the suggested boundaries and names are publicly exhibited. The public has 28 days to lodge objections to the proposals. Then there is a period of 14 days in which interested people and organizations may make comments on the objections.

The augmented Electoral Commission is established to consider these objections and make a final determination of the boundaries. The augmented Electoral Commission has 60 days to consider objections (including initial and any further objections). After considering any further objections, the augmented Electoral Commission makes a final determination of the boundaries of the electoral divisions. The Commission is required to state in writing its reasons for its final determination, and provision exists for any member who dissents to indicate his or her reasons for doing so.[103] (Appendix B provides the timetable for redistribution.)

[103] While the *Commonwealth Electoral Act 1918* makes provisions for a redistribution to be made even in cases where the augmented Electoral Commission is not unanimous in its view – four votes out for six, including at least two from members of the Australian Electoral Commission, suffice to carry the day – the lodging of a dissent by a member of a Redistribution Committee or augmented Electoral Commission has been a rare event.

The determination made by the augmented Electoral Commission is final and cannot be vetoed at the political level.[104] It is also not subject to judicial review, except on very limited constitutional grounds.

Provision for Public Input

Extensive provision is made for public input into the redistribution process. Redistribution Committees are required by law to call for public suggestions at the outset of the redistribution process, and any suggestions received are made publicly available, and can be the subject of further public comment. All suggestions and comments are required to be considered.

After a proposed redistribution has been published, objections to it may be lodged. The augmented Electoral Commission is required to conduct a public inquiry into an objection unless the objection covers matters which were already substantially raised in earlier suggestions or comments, or is frivolous or vexatious. Submissions regarding the objection may be made at the public inquiry by the person or organization objecting, and any person who or organization that made suggestions or comments. The augmented Electoral Commission may also invite other witnesses to appear.

The augmented Electoral Commission is not bound by the legal rules of evidence, and in general has considerable flexibility in determining how inquiries will be conducted. Inquiries are typically held in the capital city of the State, but on some occasions in the past, an augmented Electoral Commission has chosen to hold an inquiry in a provincial city, particularly where such an approach facilitated the examination of a controversial proposed boundary.

Having held such public inquiries as are necessary, the augmented Electoral Commission is required to make a further proposed redistribution. As part of that process, the augmented Electoral Commission must determine whether in its view the proposed redistribution is "significantly different" from that put forward earlier by the Redistribution Committee. If the proposed redistribution is not regarded as significantly different from that of the Redistribution Committee, there is no provision for further objections, and the proposed redistribution is in practice reflected in the final determination made by the augmented Electoral Commission. If the proposed redistribution is regarded as significantly different, further objections can be lodged, and another public inquiry, or series or public inquiries, must be held.

Participants at inquiries into objections have typically been given extensive opportunities to elaborate on their submissions such that the augmented Electoral Commission gains the maximum benefit from their views and so that the participants can be satisfied that they received a proper hearing. In addition, the Redistribution Committees and augmented Electoral Commissions have tended to provide substantial explanations of their proposals, addressing in some detail the suggestions, comments, and objections have been raised, in their statements of reason. As a result, those who have made

[104] *The Commonwealth Electoral Act 1918* was amended in 1983 to ensure that the final determination was not subject to veto by the Parliament. Prior to this date the redistribution was subject to approval by the House of Representatives, who on a number of occasions either delayed or rejected the boundary changes.

suggestions, comments, or objections can better appreciate why their own preferred positions may not have been accepted.

The net effect of these provisions for public input has been to make the redistribution process open and accountable and to ensure that arguments of the substance of a particular redistribution have tended to be worked out within the framework of the process, rather than forming the basis for ongoing questioning of the legitimacy of a particular redistribution.

Criteria Governing the Drawing of Electoral Boundaries

The criteria in accordance with which boundaries are to be devised are fully spelt out in the *Commonwealth Electoral Act 1918*. These criteria are as follows:

- The State or Territory must be distributed into a number of electoral divisions equal to its representation entitlement in the House of Representatives as most recently determined.
- A quota is determined by dividing the State or Territory's total electoral enrolment as at the end of the period for the lodging of comments by its representation entitlement in the House of Representatives. An electoral division which deviates in enrolment from the quota by more than ten percent cannot be proposed.
- Subject to the rules above, the Redistribution Committee or augmented Electoral Commission must, as far as practicable, endeavor to ensure that the boundaries of the electoral divisions are such that the number of electors enrolled in each division will not, at the point three-and-a-half years after the redistribution has come into effect, be less than 98 percent nor more than 102 percent of the average divisional enrolment for the State or Territory at that time.
- Subject to the three rules above, due consideration must be given, in relation to each proposed division, to:
- Community of interests within the proposed division, including economic, social and regional interests;
- Means of communication and travel within the proposed division;
- The physical features and area of the proposed division; and
- The boundaries of existing divisions.

The criteria listed in the final paragraph are clearly subordinate to the numerical criteria outlined in preceding points and, as such, tend to come into play "at the margins", when the issue is not the major structure of the redistribution, but rather the precise positioning of a few of the boundaries.

The relative importance of the criteria is clearly defined in the legislation, and is not a matter on which the bodies conducting redistributions have any significant discretion. Furthermore, the Redistribution Committee and the augmented Electoral Commission

are not required to take any account of the possible partisan implications of redistributions, and in fact have not done so.

Population Equality

In determining electoral boundaries within a State, the overriding consideration in Australia is population equality.

While the total population is used in allocating Members to the States and Territories, actual voter numbers are used in determining the delineation of electoral districts. Since voter registration is compulsory in Australia, these figures are readily available and are for all practical purposes accurate at the time of calculation.

In applying the principle of "one person, one vote", the starting point is to determine the ideal population for each electoral district. This is calculated by dividing the total number of electors in a particular State or Territory by the number of House of Representative seats allocated to the State or Territory. The result is rounded to the nearest integer. The population of electoral districts within a given State or Territory can deviate from this ideal population by as much as ten percent at the time of the redistribution.

In addition to the requirement that an electoral district population not deviate by more than ten percent from the ideal population at the time of redistribution, another metric is used to prevent malapportionment occurring during the life of the redistribution: Each electoral district can deviate by no more than 3.5 percent in three years and six months from the expected completion of the redistribution (or the midpoint in the possible seven year period since the last redistribution). This requirement necessitates the production of population projections.[105]

Because of this latter requirement, two enrolment quotas must be calculated during the redistribution process:

- The current quota or average district enrolment; and
- The projected quota or average district enrolment three and a half years after the expected completion of the redistribution

In each case, the quota is calculated by dividing the number of people enrolled by the number of members to which the State or Territory is entitled.

The current quota uses the number of electors on the roll when the redistribution commences and is permitted to vary up to ten percent in each district. The projected quota, on the other hand, is based on a projected enrolment figure three and a half years after the expected completion of the redistribution and may vary by no more than 3.5 percent in each division. In aiming for this quota, the Redistribution Committee is able to allow for population growth or contraction in particular areas.

[105] Population projections are calculated using a demographic algorithm based on the widely accepted cohort-component method. This involves applying fertility, mortality, and interstate migration rates to the base population to produce a cohort population 3.5 years from the assigned date.

For example, a determination of enrolment quotes for the State of Victoria at the beginning of the redistribution process in 2003 was as follows:

Number of electors enrolled in VIC (3259454) = 88093
Number of districts in which VIC is to be distributed (37)

Therefore, at the time of the redistribution the number of electors in the electoral districts could vary up to ten percent from 88,093 (with the acceptable population range therefore being 79,284 to 96,902).

The projected quota for the State of Victoria was calculated as follows:

Projected enrolment in VIC at 31.03.2006 (33473637) = 93882
Number of members VIC is entitled to (37)

The projected average enrolment at March 2006 (in three and a half years time), on which the Redistribution Committee based its proposal was 93,882 electors, with the acceptable population range therefore being from 97,168 to 90,596 electors. (See Appendix C for the complete summary statistical report outlining the current and projected population totals and population deviations for the federal redistribution of Victoria in 2002.)

Computerization of Redistribution Process

The basic building blocks used to draw electoral districts are referred to as Census Collection Districts (CCDs). These small geographical units are used by the Australian Bureau of Statistics in the collection of the five yearly census. Each unit contains detailed demographic and electoral data such as population, elector population and projected population.

The geographic boundaries for the CCDs, as well as the associated demographic and electoral data, are computerized and available for the Redistribution Committee to use for redistribution. The manual manipulation and amalgamation of these units within the context of GIS has been named “passive redistributing”. Using GIS has shortened the timeframe for redistributions considerably throughout the years.

Conclusion

The assumption underpinning the current Australian redistribution process, spelled out in the *Commonwealth Electoral Act 1918* and substantially implemented in 1984, is that the legitimacy of the process can be guaranteed by:

- Timing of redistributions: Provisions are made for redistributions to be conducted with sufficient frequency to limit the development of

malapportionment. In addition, the timing is specified by law and cannot be manipulate for political advantage.

- Independent redistribution authority: Redistributions are undertaken by politically neutral and independent bodies.
- Public input: The redistribution process is very public and the views of interested individuals and organizations must be taken into account
- Established criteria for drawing boundaries: Redistribution Committees are required to work in accordance with a specific set of well-defined criteria which are broadly supported across the political spectrum
- Automatic implementation of redistributions: The final redistribution proposal is not subject to veto at the political level, or by Parliament.

According to Maley, Morling and Bell, "the emphasis in the Australian scheme is very much on the legitimacy of [the redistribution] processes rather than specific outcomes, it being generally believed that if the mechanisms leading to a specific redistribution are acceptable, then the redistribution itself will be accepted, even by participants in the electoral process who see themselves as being disadvantaged by it."[106] In fact, federal redistributions in Australia have largely ceased to be a matter for partisan debate.

[106] Michael Maley, Trevor Morling and Robin Bell, "Alternative ways of redistricting with single-member seats: the case of Australia," *Fixing the Boundaries: Defining and Redefining Single-Member Electoral Districts*, edited by Iain McLean and David Butler, Dartmouth Publishing Company: England, 1996, p. 120.

Appendix: Australia

Appendix A: Dates of Redistribution since 1901

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
1900	11 Dec	26 Sep	04 Dec	05 Dec				
1903					02 Oct	02 Oct		
1906	13 Jul	13 Jul	13 Jul	13 Jul				
1913	27 Feb	01 Feb	01 Feb	01 Feb				
1922	13 Sep	04 Oct	13 Sep	13 Sep	13 Sep	13 Sep		
1934	01 Aug		01 Aug		01 Aug			
1937		21 Jul		28 Jul				
1949	11 May	11 May	11 May	11 May	11 May	11 May		
1955	30 Aug	10 Aug	10 Aug	10 Aug	19 Oct	30 Aug		
1968	21 Nov	21 Nov		21 Nov	21 Nov	21 Nov		
1969			27 Feb					
1974				19 Apr			19 Apr	
1977	31 Oct	31 Oct	31 Oct	07 Nov	31 Oct	31 Oct		
1980				28 Feb				
1984	11 Oct	14 Sep	13 Sep	31 Aug	03 Sep	12 Sep	23 Aug	
1989		05 Jun		31 Mar				
1992	31 Jan		28 Jan		17 Jan	01 Apr	23 Mar	
1994		20 Dec	01 Dec				30 Sep	
1997			10 Dec	06 Mar			10 Dec	
1999					13 Aug			
2000	11 Feb			20 Nov		11 Feb		21 Dec
2003		29 Jan						19 Feb*

** NT did not undergo a redistribution, but reverted to a single division as a result of the determination of entitlement made on 19 February 2003.*

Appendix B: Redistribution Timetable

Australian Electoral Commission directs the commencement of the Redistribution and quota of electors is determined;
Electoral Commissioner invites written suggestions from the public;
Appointment of Redistribution Committee
(*As soon as practicable*)

↓

Public suggestions
(Closing date for suggestions – *30 days*)

↓

Suggestions available for public comments
(Closing date for written comments – *14 days*)

↓

Redistribution Committee considers suggestions and comments and develops a set of boundary proposals
(*No time specified*)

↓

Redistribution Committee publishes and exhibits maps showing proposed boundaries and names of divisions
(*No time specified*)

↓

Public objections to proposals
(Closing date for written objections – *28 days*)

↓

Objections available for public comments
(Closing date for written comments – *14 days*)

↓

Augmented Electoral Commission considers objections and makes final proposal
(open hearings)
(*60 days*)

↓

Final determination
(*As soon as practicable*)

Appendix C: Statistical Summary for State of Victoria Redistribution, 2002

1.4 STATISTICAL SUMMARY

TABLE 1 – STATISTICAL REQUIREMENTS FOR THE REDISTRIBUTION

Number of Divisions into which Victoria is to be distributed	37
Number of Electors in Victoria as at 18 January 2002	3,259,454
Quota for Victoria	88,093
Permissible maximum number of electors (+10%) in a Division	96,902
Permissible minimum number of electors (-10%) in a Division	79,284

TABLE 2 – ENROLMENT PROJECTIONS FOR 31 MARCH 2006

Number of Divisions into which Victoria is to be distributed	37
Projected number of electors in Victoria as at 31 March 2006	3,473,637
Average enrolment for Victoria projected at 31 March 2006	93,882
103.5% of average enrolment projected at 31 March 2006	97,168
96.5% of average enrolment projected at 31 March 2006	90,596

Chapter 7

Case Study: The Democratic Republic of Congo

Dr. Lisa Handley
January 2004

CASE STUDIES

Case Study: Democratic Republic of the Congo

Determining How Districts Might be Delimited in a Post-Conflict Society

Dr. Lisa Handley • January 2004

The Democratic Republic of the Congo (DRC) is an ethnically/tribally divided society that has recently emerged from years of war (although sporadic fighting continues). Organizing and conducting elections in the DRC that will be viewed by all of the major stakeholders as free and fair presents a major technical and logistical challenge to the United Nations (UN).[107] One of the many problems facing the UN in the DRC is the decision as to whether to delimit districts for the election of Members of Parliament (MPs), and if so, how.

Background

Since 1997, the DRC has been divided by ethnic strife and war. The hostilities, precipitated by a massive flow of refugees from the fighting in Rwanda and Burundi, led to the toppling of former dictator Mobutu Sese Seko by rebel leader Laurent Kabila in May 1997. Laurent Kabila's regime was subsequently challenged by a Rwanda and Uganda-backed rebellion in August 1998. Troops from Zimbabwe, Angola, Namibia, Chad and Sudan intervened to support the Kabila regime. A cease-fire agreement was signed in July 1999 by the DRC, Zimbabwe, Angola, Uganda, Namibia, Rwanda, and Congolese insurgent groups, but sporadic fighting continued.

Joseph Kabila, who succeeded his father when Laurent Kabila was assassinated in January 2001, persuaded occupying Rwanda forces to withdraw from eastern Congo in October 2002. Two months later, an agreement (Global and Inclusive Agreement, 17 December 2002) was signed by all remaining warring parties to end the fighting and set up a transitional government. Ugandan troops officially withdrew from the DRC in May 2003. Localised violence (particularly in the Great Lakes region) continues, however.

Divided Society Battling ethnic groups (Tutsi, Hutu, Lendu, Hema and other ethnic groups) in the eastern portion of the country, supported by military forces from neighbouring countries, initiated much of the current conflict. Although the divisions within the DRC are not based solely on ethnicity, the large number of ethnic groups[108] – and the competition among them for limited resources – has certainly served to fuel clashes within society.

Lack of Resources Despite the vast potential of natural resources and mineral wealth, the DRC is one of the poorest countries in the world, with a per capita income of about US$90 in 2002. This is the result of years of mismanagement, corruption and war. In addition, the country has a high illiteracy rate (according to 2003 estimates, 41.7 percent

[107] The United Nations has been given the responsibility for organizing and conducting the upcoming elections in Afghanistan.

[108] More than 200 ethnic groups have been identified in the DRC. The four largest tribes (Mongo, Luba, Kongo and the Mangbetu-Azande) make up about 45% of the population.

of the population has had no schooling at all and an additional 42.2 percent has had only primary schooling) and limited technical expertise to draw on.

Little Intact Infrastructure The DRC is an enormous country (2,345,410 square kilometres; 905,063 square miles) with an almost complete lack of infrastructure. The existing roads (relatively few in number) have been badly damaged and many have yet to be tested for landmines. Although the UN Mission in the DRC, MONUC (Mission des Nations Unies en République Démocratique du Congo), has all existing airstrips operational, planes can reach a very limited number of areas in the DRC. In addition, the communication system is inadequate – although some radio and television broadcast stations are operating in the DRC. Conducting elections under these conditions will be quite challenging.

Lack of Legal Framework There is currently no electoral law in place. Nor has the transition parliament adopted laws on such issues as decentralisation and nationality – issues that are clearly controversial but must be decided before an election can be held. The transitional parliament, appointed by the signatories to the 17 December 2002 agreement, must reach agreement on these issues and promulgate laws and a new constitution before elections can proceed beyond the formative planning stage.

Time Constraints The transitional constitution, adopted on 2 April 2003, is of limited duration. It expires 24 months (with two six month extensions possible) after the inauguration of the transitional government, which occurred 30 June 2003. Elections must therefore be held by July 2005 (or July 2006 at the latest, if the two six month extension options are exercised). This is a very brief time period in which to organise a host of elections (including a referendum, general elections and local elections), even in optimal conditions – which certainly do not exist in the DRC.

Deciding on an Electoral System for the DRC

In newly emerging and transitional democracies, especially those where society is divided along ethnic, regional, or other factional lines, political institutions – particularly the electoral system – are especially significant. Political institutions in such societies are the most prominent channel of communication between antagonistic groups; if these institutions exclude significant groups from the “table” then differences between these groups cannot be resolved through negotiation and mutual accommodation. This could lead to the resumption of civil war and to the breakdown of the fledgling system.

Comparative experience suggests that the most important electoral requirement for democratic transition, particularly in a divided post-conflict state like the DRC, is an electoral system that maximises inclusiveness and is clearly fair to all parties. This goal is best achieved by a proportional representation (PR) electoral system, usually in conjunction with some form of overall power-sharing agreement within the government.

Given that some form of proportional representation is clearly in the best interest of the DRC, two obvious election system options exist. There are advantages and disadvantages associated with both of these systems which need to be considered when deciding which system to adopt in the DRC.

List Proportional Representation (PR) There is historical precedence for using List PR in the DRC: legislative elections held immediately following independence utilised this type of system (this was the system bequeathed to the DRC by the Belgium colonialists). Furthermore, List PR is the most common choice for newly emerging and transitional democracies so there is a wealth of experience to draw on for planning and conducting the elections.

Another advantage offered by List PR is that there would be no need to draw new electoral boundaries, although a decision would be required as to which set of existing administrative boundaries to use – province, district or territory – for regional List PR (assuming a national List PR system is not adopted).

A major drawback to using List PR is the current multiplicity of political parties – if this remains a feature of the DRC landscape, ballots could be far too long (especially if an open, rather than closed, party list is adopted). Political parties (most of which in the DRC have an ethno-regional basis and no ideological foundation) will have to unite, form coalitions or disappear for a List PR ballot to be manageable.[109]

Another important disadvantage associated with List PR is that the geographical areas from which representatives are elected are usually quite large; hence the link between voters and their representatives is not as strong as it would be under a system offering single-member or small multimember constituencies. Many Congolese officials interviewed simply assumed that representatives would be selected from the level of the territory[110] (this has been the practice for the past 25 years at least) and felt that having representatives associated with specific territories was beneficial as it facilitated communication between voters and the government.

Mixed Member Proportional (MMP) The major advantage offered by an MMP system is the clear geographic link that is established between a representative and his or her voters. This specific concern was raised numerous times by Congolese interviewed. Not only would a distinct connection between a representative and his or her constituency facilitate the exchange of information, it would also empower Congolese voters. With time, Congolese voters would come to recognise their ability to hold their representative accountable (returning their MPs to office if they performed well on their behalf and voting them out of the legislature if their MPs failed them).

One important disadvantage with this system is the need to delimit a large number of constituencies. This could be done by either adopting administrative units smaller than provinces or *districts*,[111] or by drawing unique electoral constituency boundaries. If such existing administrative units as territories were to be used, the population data

[109] If local elections precede legislative elections this could trigger a natural reduction in the number of political parties competing for seats at the national level.

[110] The territory is a geographically-based administrative unit in the DRC: there were 206 territories across the DRC in 1984 and, according to the 1984 census (the last scientific census conducted in the DRC), these units had an average population of 143925 – they varied dramatically in population (from 6093 to 619827), however.

[111] The district is a geographically-based administrative unit in the DRC: there were 42 districts in the DRC in 1984. According to the 1984 census, these units varied in population from 18366 to 2434275, with an average population of 705925.

associated with these units are even more problematic than the data at the provincial and district level. (The issue of data reliability is discussed at greater length below in "Construction of a Database".)

Another disadvantage sometimes associated with an MMP system is the complexity of the ballot (MMP systems often require that two votes be cast, one for a constituency representative and one for a political party). In fact, however, the ballot can be designed so that voters cast only one vote; this single vote is used both to elect a constituent representative and to designate a party preference.[112] (Exercising the one-vote option would also limit the number of political parties to a manageable level, at least in the long run.)

Boundary Delimitation Options

Regardless of the electoral system adopted, some decisions will have to be reached concerning the delimitation of electoral boundaries. Although the size of the geographic area encompassed by the electoral constituency will vary depending on the type of electoral system (for example, List PR could adopt provincial lines as the electoral constituencies, while an MMP system would require smaller constituencies), some delimitation will almost certainly be necessary.[113] This delimitation could be as simple as adopting existing administrative boundaries (provincial, district or territorial boundaries, for example) as electoral constituencies and then allocating parliamentary seats to these constituencies on the basis of population; or it could be as complex as drawing new electoral constituency lines specifically for election purposes.

The importance of the delimitation process (and the rules that bind it), varies depending on the type of electoral system. Because plurality and majority systems can produce disproportional election results, the structure and rules established for the process are quite important. Although somewhat less important in the context of proportional representation systems, it is still essential that the law specify the process by which electoral constituency delimitation should occur.

Three alternatives exist for delimiting electoral boundaries in the DRC:

- Use existing administrative boundaries (for example, provincial, district or territory boundaries) for electoral purposes.
- New administrative boundaries could conceivably be drawn (and may in fact be proposed as part of a de-centralisation package being debated by the transitional government in the DRC) and these could be utilised for electoral purposes.
- Electoral constituencies could be drawn that are unique (separate from the administrative structure).

[112] A one vote system was used in Germany when the MMP system was first adopted.

[113] Although the DRC could, in theory, adopt a national PR List system, whereby the entire country would form a single electoral district, this is not recommended given the size of the country.

Current Administrative Units Used as Electoral Constituencies in the DRC

The DRC is subdivided into several layers of administrative units, many of these in existence since before independence in 1960. The largest of these units are provinces, next in size are districts, then territories; the smallest administrative unit (for which data is collected) are collectivities. According to the Administrative Divisions Directorate of the Ministry of Interior, the present number of administrative units for each layer is as follows:[114]

Provinces (including Kinshasa)	**11**
Districts	**7**
Cities (namely ±98 communes, ±1,249 districts and Kinshasa)	**29**
Territories	**145**
Communities (spread out over 476 sectors and 261 chiefdoms)	**737**
Groups (spread out over ± 60,000 villages)	**5409**

In addition, six urban groups having more than 100,000 inhabitants which do not have a "city status" have been identified. They are spread out in the provinces of Katanga (Kalemi, Kamina and Kipush), Nord-Kivu (Kayna and Kanya-Bayounga in a single group), Orientale (Bunia) and Sud-Kivu (Uvira).

These administrative units are interlinked and used not only for government administration purposes but also to conduct scientific and administrative censuses and to determine demographic projections. They also are employed to carry out various operations at the national, provincial, regional and local levels such as medical immunization campaigns.

Maps identifying the boundaries of these administrative units are readily available, but are out-of-date because centres of population have moved. (The administrative boundaries themselves have not changed, at least not recently, but because of massive population movements as a result of the war, administrative boundaries may cut through the middle of new population centres).

Population projections for these administrative units exist, although these projections are not particularly reliable. (This issue is discussed at greater length in this portion of the study, in a section entitled "Construction of a Database.")

Co-opting a layer of administrative units (for example, provinces, districts, or territories) for use as electoral constituencies has several advantages:

[114] The information we obtained on the number of districts and territories varied over time and from source to source. For example, apparently some districts have become independent Provinces (like the eastern Provinces of North Kivu, South Kivu and Maniema), and Kinshasa, formerly four districts, is now a Province with 24 Communities.

- Using already existing boundaries would negate the need to draw an entirely new set of electoral boundaries (which would be an extremely expensive and time consuming task).
- There is population projection data (albeit less than reliable) associated with these existing administrative units, making the exercise of allocating seats to constituencies easier, and perhaps more accurate, than would otherwise be the case.
- These administrative units have traditionally been used in the DRC for representational purposes (and many Congolese officials interviewed assumed that these units would be used again for the upcoming elections).

On the other hand, there are several disadvantages associated with the use of existing administrative boundaries:

- Administrative units were not designed to encompass communities of interest, and in fact often cut across tribal lines and divide homogeneous groups that should be united in a single electoral constituency.
- Some changes made to administrative boundaries (particularly at the territorial level) over time have been prompted by the desire to divide certain ethnic groups.[115]
- The population projections that do exist for these administrative units are clearly not reliable, especially given the war and other unanticipated events (i.e., the AIDS epidemic).

If the decision is reached to use current administrative units for electoral purposes, then the question remains as to which set of units to employ for electoral purposes: provinces, districts, territories, or some smaller unit. Of course, a large part of this decision is dependent on the type of electoral system adopted. For example, if a List PR system is selected, then the choice of administrative units is limited to provinces, districts or possibly territories since the electoral constituencies must be large enough to permit the allocation of several seats to each constituency. On the other hand, if an MMP system is adopted, then electoral constituencies would need to be much smaller in size – territorial units would probably be the largest possible unit that could be employed.

A series of simulations were performed for illustrative purposes only (using the 1984 census data and employing no projections or adjustments to this data) to determine what the seat allocation would be to each electoral constituency under three scenarios: using provinces as constituencies, using districts as constituencies, and using territories as constituencies. The Appendix contains the detailed results of these simulations.

If provinces were to be used for electoral constituencies (this would only be possible under List PR or for the PR portion of an MMP system), for example, the range in the number of seats allocated to the provinces would be from 11 (Maniema province) to 58

[115] For example, according to Jose-Francois Loleka-Bonkanga, Le Chef de Bureau du Bureau de Representation du Government Charge de la MONUC Mbandaka, territorial lines between Kiri and Ingende were changed so that the majority ethnic group in that territory would be reduced to minority status.

(Orientale province) using the 1984 census data and hypothesising a 400 seat parliament.

If electoral constituency boundaries were to coincide with administrative district boundaries, and no districts were combined, the range in seats allocated would be as few as zero or one (district of Bandudu in the province of Bandudu) to as many as 26 or 27 (district of Kwilu in the province of Bandudu).

If territories were used as electoral constituencies, a great many territories would have to be combined in order to be accorded representation. This is true whether approximately half of the representatives were to be assigned to electoral constituencies (as would be the case with an MMP system) or all of the representatives were constituency-based (as would be the case with any plurality-majority system). On the other hand, some territories would form rather large multimember constituencies, with as many as eight MPs assigned to a single constituency.

The simulations in the Appendix illustrate a number of important points:

- The choice of which set of administrative units to utilize as electoral constituencies will have significant ramifications for the electoral system (how proportional the election results are likely to be), for the representation of communities (which communities would be assigned more and which less representatives, and which communities will have to be combined with others for representational purposes; and how many communities would be divided by electoral constituency lines), and for the electorate (how complex the ballot will be given the number of candidates competing and the number of seats to be filled).
- Some boundary "delimitation" would likely have to be engaged in, at least to the extent of deciding which administrative units to combine for electoral constituency purposes – at least if territories (and possibly districts) are chosen as electoral constituencies. If a level below the territory is selected, then most certainly "delimitation" will have to occur.
- The choice of a formula for allocating seats to electoral constituencies matters – an electoral constituency can receive more or less seats depending on what formula is used (i.e., compare our simple example of assigning seats when more than .51 percent of 74122 voters are assigned a seat, or when a seat is assigned for each 74122 voters).[116]
- The population data upon with the seat allocation will be based is important. Obviously the more reliable and less controversial the data, the better: the process will be more accurate, and will be perceived as more legitimate, if the population data on which the allocation is based is not in question.

[116] The electoral quotient, 74122, was arrived at by dividing the total population by the number of electoral districts to be allocated seats.

New Administrative Units Used as Electoral Constituencies

In the event of a decentralization of the government into administrative entities other than the existing ones, new administrative units would have to be created. If these new administrative units are also to be utilized as electoral constituencies, then the criteria for the effective representation of electors should prevail during the administrative delimitation process.

Of course, even if these electoral criteria are not considered when the new administrative units are drawn, it is still possible to use the new administrative units as electoral constituencies. However, the same disadvantages would hold for the new administrative units as for the current administrative units (see list above), with the additional problems of having even less reliable population data for these new administrative units, and less time to prepare for the elections.

If, on the other hand, the new administrative units are designed with such criteria as population equality and communities of interest in mind, then the adoption of these units as electoral constituencies would make a great deal of sense. This approach would require the collection of new demographic and sociological data, however – an expensive and time consuming operation. (This issue is discussed at greater length in the section below entitled "Conduct a New Census.")

Delimitation of a Set of Unique Electoral Constituencies in the DRC

The delimitation of constituencies in the DRC specifically for the purposes of the election of representatives to parliament would be an enormous undertaking (both in terms of the time needed and the resources required). The process would involve a number of steps, including (1) the construction of a database minimally composed of maps and population data; (2) the formation of constituencies by allocating parliamentary seats to sub-regions of the country and creating unique electoral constituencies within these sub-regions; (3) the evaluation of the proposed redistricting plan and the adoption of a final redistricting plan.

Construction of a Database Delimitation requires the collection of several different types of information. The two essential pieces of information are population data and maps. The population data, which may be in the form of census enumeration data or voter registration data, provide the only means of creating constituencies that are relatively equal in population. Maps are needed to ensure that only contiguous geographic population units are assigned to constituencies and that constituency boundaries do not divide communities of interest unnecessarily.

Possible sources of delimitation data in the DRC include:

- Using the currently existing census projections (based on 1984 census) and cartographic information
- Updating and consolidating the census projections and cartographic information using local expertise and technical assistance
- Conducting a new census (or, alternatively, a "light" census)

- Using information obtained from voter registration process to update currently existing data

Using Currently Existing Population and Cartographic Data Much of the data needed for delimitation purposes in the DRC is out-of-date and, because of the drastic changes the DRC has undergone in the past ten years, unreliable.

The last scientific census of the population in the DRC was held in 1984, whereas the most recent administrative census dates back to 1996. Since then, the National Statistics Institute (INS) has produced demographic projections that estimate the number of electors aged 16 and over at ±25,600,000. These data on electors are broken down, by province, as follows:

Bandundu	2,915,000
Bas-Congo	1,555,000
Équateur	2,807,000
Katanga	3,429,000
Kasai Occidental	1,876,000
Kasai Oriental	2,160,000
Maniema	762,000
Nord-Kivu	1,982,000
Orientale	3,447,000
Sud-Kivu	1,784,000
City of Kinshasa	2,902,000
TOTAL	**25,619,000**

Although these population projections are estimated to be marginally reliable at the national and provincial level, they are deemed to far less reliable for the lower administrative levels (districts, territories, collectivities, etc.). Population projections in the DRC are problematic in large part because of the prolonged civil conflict and the displacement of the population and higher than presumed mortality rates that the war entailed.[117]

The cartographic data currently available for the DRC suffers from the same defect: much of it is out-of-date because of large population shifts, particularly in the last five years. Although the geographical coverage index of the territory of the DRC, available to the specialists of the Geographical Information Centre of MONUC, is diversified, some of this information has not been updated for twenty years.

[117] Population projections produced by the INS differ quite significantly from official UN projections: INS projections put the population in 2005 at 60.1 million; the UN estimates it at 56.4 million.

Updating and Consolidating Census Projections and Cartographic Data MONUC is equipped with a spatial reference geographical information system which, based on the information compiled and entered, can locate demographical and geographical elements, establish their exact number and distribute them in space. This system specifies the administrative boundaries to the smallest territorial entity; it also makes it possible to pinpoint hydrographic, rail, road networks, etc. This structured set of data makes it possible, at least in theory, to use a geographic information system to delimit electoral boundaries. However, the demographic and sociological data necessary to use this system for redistricting purposes is missing.

The main difficulty confronting MONUC specialists when maximizing the operation of the spatial reference geographical information system lies in the demographic and sociological data that are missing or incomplete or whose reliability must be validated. The collaboration of experts from the DRC would allow database specialists to obtain, verify and enter the required information.

Conducting a New Census The third option available for obtaining data for delimitation is to conduct a new scientific population census. However, this census operation would be quite costly and would require a minimum time period of two to three years to complete. Of course, the information obtained would be useful for endeavours far beyond the delimitation of electoral boundaries.

An enormous organizational and operational structure would have to be put in place to accomplish this task – the National Statistical Institute is ill-equipped to undertake a substantial statistical exercise at this point in time. For example, during the census held in 1984, use was made of 28,185 census-taking areas and 2,924 control areas spread out over the entire territory. In the event of a new census, these census-taking and control areas will first have to be checked and adjusted with respect to both the geographic territory encompassed and the number of anticipated respondents within them. The massive population movements in recent years, whether towards cities or elsewhere, require such a prior intervention.

Using Voter Registration Data The fourth option available is to use the information obtained during the voter registration process (assuming a voter registration procedure is conducted) to delimit electoral constituencies. A voter registration exercise designed to reach every household in the country could be used not only for a head count but could provide a geographical location for every potential voter in the country – invaluable information in a delimitation exercise.

The major drawback to using voter registration data is that much of the demographic and sociological data collected in a census would be missing from a voter registration database. Another problem is that the collection of this data would be completed rather late in terms of the election calendar, making delimitation on the basis of this data a challenge. Even if delimitation were to occur prior to the completion of the registration process, however, the voter registration counts could still be used to modify seat allocations if the need were to arise.

Formation of Electoral Constituencies Once a database has been prepared, the next step in the delimitation process is the formation of electoral constituencies. This is usually composed of one or two phases: the allocation, or apportionment, of parliamentary seats to regional entities such as provinces (this process is also referred

to as "redistribution" in many countries); and the delimitation of electoral constituency boundaries within these regions.

The apportionment phase of the delimitation process is usually relatively mechanical,[118] with the number of seats assigned to each sub-region usually dependent on the relative population of that sub-region. In countries that do not delimit single-member or smaller multimember constituencies, apportionment may be the only step taken to equalize population across electoral constituencies.

In countries that do delimit smaller constituencies, the second phase of the process is the creation of new electoral constituencies within the sub-regions themselves. (In countries that do not allocate seats regionally, this is the only phase in the delimitation process.) This is the step where the line drawers create a redistricting plan by assigning geographic units such as cities, towns and villages (or city blocks) to constituencies. A redistricting plan is complete when all geographic units within the given territory are assigned to a constituency and all constituencies in the plan meet the predetermined redistricting criteria.

Evaluation of Redistricting Plan Once the boundary authority has successfully completed a redistricting plan by assigning all geographic units in the territory to an electoral constituency, summary information for the plan should be produced. This information is used to evaluate the plan. A summary description of a redistricting plan should include information such as a description of the plan listing the geographic components of each constituency, map(s) of the plan showing the constituency boundaries, and a report summarising the most relevant statistical information for each constituency in the plan.

The summary information should allow the boundary authority, political parties, legislators and governmental officials, citizens, and other interested stakeholders to evaluate a redistricting plan according to the established criteria. Public hearing may be held to solicit the comments of these stakeholders. If, for example, the redistricting criteria adopted specify that constituencies be as equal in population as possible, information should be available regarding the population of each constituency the degree to which the population deviates from the electoral quota. The production of maps would allow interested parties to determine if communities of interest have been taken into account in promulgating the constituency boundaries.

After evaluating a proposed redistricting plan, including the solicitation of comments on this plan, the authority in charge of delimitation should endeavour to take these comments into account, and modify the redistricting plan accordingly. The final stage of the process is the adoption of the new redistricting plan; provisions for how this is accomplished should be described quite explicitly in the electoral law. In fact, the entire process (who should draw the constituencies, what criteria should be followed, etc.) should be mapped out as clearly as possible beforehand in the Election Act in order to guide authorities in charge of the process.

[118] Although the apportionment process itself is mechanical, the decision as to what formula to use for the allocation of seats can be a controversial one.

Problems with Delimiting A Unique Set of Constituencies The delimitation of constituencies in the DRC specifically for the purposes of the election of representatives to parliament would be an enormous undertaking both in terms of the time needed and the resources required. In fact, it is not likely to be technically feasible, given the lack of data and the current time constraints, to delimit a unique set of constituencies for the 2005 parliamentary elections. Furthermore, the delimitation of unique electoral districts – especially single-member constituencies – could well prove a political nightmare and is therefore not recommended for the DRC.

Conclusion

Only proportional representation (PR) electoral systems were discussed as viable options for the upcoming transitional elections in the DRC. This is because an essential condition for democratic consolidation in deeply divided, post-conflict countries such as the DRC is the inclusion of as many significant groups as possible, as proportionally as possible, in the parliament. A winner-take-all system that over-represents one of the political parties to the disadvantage of the others could only lead to more discord.

Regardless of what form of PR is adopted – regional List PR system or an MMP system – some delimitation of constituencies is likely to be required. Given the current status of population data in the DRC, it would be wise to consolidate and update census projections and maps for the currently existing administrative units (at least down to the territorial level) and use one of these sets of administrative units as constituencies for the 2005 parliamentary elections.

Appendix: Simulation Exercise Using Different Administrative Boundaries as Electoral Constituencies

List PR: 400 Seats Allocated to 11 Provinces		Simulation of Distribution of Electoral Seats: Provincial Level		
	Expected amount of voters*	***29,648,833***		
	Hypothetical number of seats in parliament	***400***		
	Voters per seat	***74,122***		
		Voters	**Seats***	**Seats****
1	KINSHASA	2,664,309	36	35
2	BAS CONGO	1,994,573	27	26
3	BANDUNDU	3,769,741	51	50
4	EQUATEUR	3,574,385	48	48
5	PROV ORIENTAL	4,314,672	58	58
6	MANIEMA	*849,675*	11	11
7	NORD KIVU	*2,434,275*	33	32
8	SUD KIVU	*2,107,988*	28	28
9	KATANGA	3,979,354	54	53
10	KASAI ORIENTAL	1,564,615	21	21
11	KASAI OCCIDENTAL	2,395,246	32	32

**simulations are based on the 1984 census data*
Seats : A seat assigned when more than 0.51 percent of 74.122 voters (Total seats assigned: 400)*
*Seats** : A seat assigned for each 74.122 voters (Total seats assigned: 394)*

List PR: 400 Seats Allocated to Constituencies	Simulation of Distribution of Electoral Seats: District Level		
Expected amount of voters*	***29,648,833***		
Hypothetical number of seats in parliament	***400***		
Voters per seat	***74,122***		
	Voters	***Seats****	***Seats*****
KINSHASA	**2,664,309**	**36**	**34**
LUKUNGA	*564,656*	**8**	**7**
FUNA	*764,620*	**10**	**10**
MONT-AMBA	*585,095*	**8**	**7**
TSANGU	*749,938*	**10**	**10**
BAS CONGO	**1,994,573**	**27**	**24**
MATADI	*138,798*	**2**	**1**
BOMA	*197,617*	**3**	**2**
BAS-FLEUVE	*551,391*	**7**	**7**
CATARACTES	*724,621*	**10**	**9**
LUKAYA	*382,146*	**5**	**5**
BANDUNDU	**3,769,741**	**51**	**48**
BANDUDU	*63,642*	**1**	**0**
MAI-NDOMBE	*735,393*	**10**	**9**
KWILU	*1,967,085*	**27**	**26**

List PR: 400 Seats Allocated to Constituencies		Simulation of Distribution of Electoral Seats: District Level		
	KIKWIT	*149,296*	**2**	**2**
	KWANGO	*854,325*	**12**	**11**
	EQUATEUR	**3,574,385**	**48**	**44**
	MBANDAKA	*137,291*	**2**	**1**
	EQUATEUR	*498,007*	**7**	**6**
	SUD-UBANGI	*1,003,877*	**14**	**13**
	ZONGO	*18,366*	**0**	**0**
	NORD-UBANGI	*527,874*	**7**	**7**
	MONGALA	*723,499*	**10**	**9**
	TSHUAPA	*665,471*	**9**	**8**
	PROV ORIENTAL	**4,314,672**	**58**	**56**
	KISANGANI	*317,581*	**4**	**4**
	TSHOPO	*809,266*	**11**	**10**
	BAS-UELE	*545,458*	**7**	**7**
	HAUT-UELE	*893,111*	**12**	**12**
	ITURI	*1,749,256*	**24**	**23**
	MANIEMA	**849,675**	**11**	**11**
	MANIEMA	*849,675*	**11**	**11**
	NORD KIVU	**2,434,275**	**33**	**32**

List PR: 400 Seats Allocated to Constituencies		Simulation of Distribution of Electoral Seats: District Level		
	NORD-KIVU	*2,434,275*	**33**	**32**
	SUD KIVU	**2,107,988**	**28**	**28**
	BUKAVU	*167,950*	**2**	**2**
	SUD-KIVU	*1,940,038*	**26**	**26**
	KATANGA	**3,979,354**	**54**	**50**
	LUBUMBASHI	*564,830*	**8**	**7**
	LIKASI	*213,862*	**3**	**2**
	KOLWEZI	*416,122*	**6**	**5**
	LUALABA	*358,099*	**5**	**4**
	HAUT-LOMAMI	*891,021*	**12**	**12**
	TANGANIKA	*922,495*	**12**	**12**
	HAUT-SHABA	*612,925*	**8**	**8**
	KASAI ORIENTAL	**1,564,615**	**21**	**20**
	SANKURU	*725,191*	**10**	**9**
	KABINDA	*839,424*	**11**	**11**
	KASAI OCCIDENTAL	**2,395,246**	**32**	**31**
	KANANGA	*298,693*	**4**	**4**
	LULUA	*999,770*	**13**	**13**
	KASAI	*1,096,783*	**15**	**14**

List PR: 400 Seats Allocated to Constituencies		Simulation of Distribution of Electoral Seats: District Level		

**simulations are based on the 1984 census data*
Seats : A seat assigned when more than 0.51 percent of 74,122 voters (Total seats assigned: 400)*
*Seats** : A seat assigned for each 74,122 voters (Total seats assigned: 378)*

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	Expected amount of voters*	***29,648,833***		
	Hypothetical number of seats in parliament	***400***		
	Voters per seat	***74,122***		
		Voters	**Seats***	**Seats***
1	**KINSHASA**	**2,664,309**	**36**	**26**
	1	252,151	**3**	**3**
	2	49,297	**1**	**0**
	3	17,360	**0**	**0**
	4	69,147	**1**	**0**
	5	74,708	**1**	**1**
	6	49,173	**1**	**0**
	7	52,820	**1**	**0**
	8	126,589	**2**	**1**
	9	97,214	**1**	**1**
	10	74,888	**1**	**1**
	11	160,719	**2**	**2**
	12	82,303	**1**	**1**
	13	113,968	**2**	**1**
	14	108,939	**1**	**1**
	15	159,775	**2**	**2**
	16	74,447	**1**	**1**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	17	128,197	**2**	**1**
	18	104,902	**1**	**1**
	19	117,774	**2**	**1**
	20	157,010	**2**	**2**
	21	158,080	**2**	**2**
	22	353,209	**5**	**4**
	23	28,963	**0**	**0**
	24	52,676	**1**	**0**
		Voters	**Seats***	**Seats***
2	**BAS CONGO**	**1,994,573**	**27**	**19**
	1	20,785	**0**	**0**
	2	62,368	**1**	**0**
	3	55,645	**1**	**0**
	4	32,815	**0**	**0**
	5	50,345	**1**	**0**
	6	11,824	**0**	**0**
	7	102,633	**1**	**1**
	8	244,900	**3**	**3**
	9	122,782	**2**	**1**
	10	183,709	**2**	**2**
	11	386,121	**5**	**5**
	12	197,675	**3**	**2**
	13	140,825	**2**	**1**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	14	234,291	**3**	**3**
	15	92,956	**1**	**1**
	16	54,899	**1**	**0**
		Voters	**Seats***	**Seats***
3	**BANDUNDU**	**3,769,741**	**51**	**41**
	1	34,405	**0**	**0**
	2	12,988	**0**	**0**
	3	16,249	**0**	**0**
	4	150,788	**2**	**2**
	5	85,640	**1**	**1**
	6	85,590	**1**	**1**
	7	232,528	**3**	**3**
	8	92,693	**1**	**1**
	9	88,154	**1**	**1**
	10	555,124	**7**	**7**
	11	428,962	**6**	**5**
	12	214,231	**3**	**2**
	13	477,458	**6**	**6**
	14	291,310	**4**	**3**
	15	22,648	**0**	**0**
	16	50,198	**1**	**0**
	17	35,093	**0**	**0**
	18	41,357	**1**	**0**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	19	268,960	**4**	**3**
	20	114,839	**2**	**1**
	21	92,597	**1**	**1**
	22	278,346	**4**	**3**
	23	99,583	**1**	**1**
		Voters	**Seats***	**Seats***
4	**EQUATEUR**	**3,574,385**	**48**	**33**
	1	75,632	**1**	**1**
	2	61,659	**1**	**0**
	3	84,484	**1**	**1**
	4	98,246	**1**	**1**
	5	90,255	**1**	**1**
	6	119,993	**2**	**1**
	7	45,824	**1**	**0**
	8	23,445	**0**	**0**
	9	35,760	**0**	**0**
	10	439,079	**6**	**5**
	11	221,932	**3**	**2**
	12	220,854	**3**	**2**
	13	122,012	**2**	**1**
	14	12,273	**0**	**0**
	15	6,093	**0**	**0**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	16	92,568	**1**	**1**
	17	112,436	**2**	**1**
	18	203,243	**3**	**2**
	19	119,627	**2**	**1**
	20	214,404	**3**	**2**
	21	359,490	**5**	**4**
	22	149,605	**2**	**2**
	23	157,760	**2**	**2**
	24	69,718	**1**	**0**
	25	111,806	**2**	**1**
	26	137,746	**2**	**1**
	27	140,875	**2**	**1**
	28	47,566	**1**	**0**
		Voters	**Seats***	**Seats***
5	**PROV ORIENTAL**	**4,314,672**	**58**	**42**
	1	64,664	**1**	**0**
	2	31,662	**0**	**0**
	3	67,378	**1**	**0**
	4	62,298	**1**	**0**
	5	62,622	**1**	**0**
	6	28,957	**0**	**0**
	7	91,226	**1**	**1**
	8	59,646	**1**	**0**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	9	119,637	**2**	**1**
	10	110,411	**1**	**1**
	11	245,548	**3**	**3**
	12	65,927	**1**	**0**
	13	116,871	**2**	**1**
	14	74,972	**1**	**1**
	15	93,434	**1**	**1**
	16	116,538	**2**	**1**
	17	48,862	**1**	**0**
	18	99,419	**1**	**1**
	19	112,233	**2**	**1**
	20	215,679	**3**	**2**
	21	60,138	**1**	**0**
	22	122,499	**2**	**1**
	23	158,258	**2**	**2**
	24	109,269	**1**	**1**
	25	227,268	**3**	**3**
	26	295,107	**4**	**3**
	27	84,031	**1**	**1**
	28	551,137	**7**	**7**
	29	422,919	**6**	**5**
	30	396,062	**5**	**5**
		Voters	**Seats***	**Seats***
6	**MANIEMA**	**849,675**	**11**	**8**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	1	149,164	**2**	**2**
	2	56,017	**1**	**0**
	3	60,448	**1**	**0**
	4	52,907	**1**	**0**
	5	171,600	**2**	**2**
	6	246,959	**3**	**3**
	7	112,580	**2**	**1**
7	**NORD KIVU**	**2,434,275**	**33**	**30**
	1	115,659	**2**	**1**
	2	137,065	**2**	**1**
	3	619,827	**8**	**8**
	4	604,210	**8**	**8**
	5	479,064	**6**	**6**
	6	478,450	**6**	**6**
		Voters	**Seats***	**Seats***
8	**SUD KIVU**	**2,107,988**	**28**	**22**
	1	54,958	**1**	**0**
	2	64,274	**1**	**0**
	3	48,718	**1**	**0**
	4	365,675	**5**	**4**
	5	320,022	**4**	**4**
	6	204,843	**3**	**2**
	7	215,895	**3**	**2**
	8	173,948	**2**	**2**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	9	226,811	**3**	**3**
	10	92,247	**1**	**1**
	11	340,597	**5**	**4**
9	**KATANGA**	**3,979,354**	**54**	**40**
	1	148,363	**2**	**2**
	2	64,230	**1**	**0**
	3	126,074	**2**	**1**
	4	75,070	**1**	**1**
	5	88,732	**1**	**1**
	6	26,581	**0**	**0**
	7	35,780	**0**	**0**
	8	27,205	**0**	**0**
	9	121,836	**2**	**1**
	10	44,743	**1**	**0**
	11	20,078	**0**	**0**
	12	97,281	**1**	**1**
	13	123,425	**2**	**1**
	14	95,809	**1**	**1**
	15	99,607	**1**	**1**
	16	161,174	**2**	**2**
	17	114,081	**2**	**1**
	18	82,844	**1**	**1**
	19	171,008	**2**	**2**
	20	80,850	**1**	**1**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	21	179,480	**2**	**2**
	22	242,629	**3**	**3**
	23	217,054	**3**	**2**
	24	180,164	**2**	**2**
	25	213,230	**3**	**2**
	26	171,453	**2**	**2**
	27	98,788	**1**	**1**
	28	184,633	**2**	**2**
	29	74,227	**1**	**1**
	30	88,492	**1**	**1**
	31	84,363	**1**	**1**
	32	105,887	**1**	**1**
	33	79,052	**1**	**1**
	34	131,765	**2**	**1**
	35	123,366	**2**	**1**
		Voters	**Seats***	**Seats***
10	**KASAI ORIENTAL**	**1,564,615**	**21**	**17**
	1	58,366	**1**	**0**
	2	84,808	**1**	**1**
	3	76,056	**1**	**1**
	4	169,955	**2**	**2**
	5	77,438	**1**	**1**
	6	258,568	**3**	**3**
	7	265,237	**4**	**3**

List PR: 400 Seats Allocated to Territories		Simulation of Distribution of Electoral Seats:Territorial Level		
	8	21,811	**0**	**0**
	9	227,801	**3**	**3**
	10	188,112	**3**	**2**
	11	136,463	**2**	**1**
		Voters	**Seats***	**Seats***
11	**KASAI OCCIDENTAL**	**2,395,246**	**32**	**25**
	1	50,756	**1**	**0**
	2	65,635	**1**	**0**
	3	42,612	**1**	**0**
	4	41,593	**1**	**0**
	5	98,097	**1**	**1**
	6	178,573	**2**	**2**
	7	226,993	**3**	**3**
	8	266,863	**4**	**3**
	9	187,593	**3**	**2**
	10	139,748	**2**	**1**
	11	111,133	**1**	**1**
	12	530,257	**7**	**7**
	13	167,258	**2**	**2**
	14	231,440	**3**	**3**
	15	56,695	**1**	**0**

**simulations are based on the 1984 census data*
Seats : A seat assigned when more than 0.51 percent of 74.122 voters (Total seats assigned: 400)*
*Seats** : A seat assigned for each 74.122 voters (Total seats assigned: 303)*

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
	Expected amount of voters*	***29.648.833***	
	Hypothetical number of seats in parliament	***400***	
	Directly elected Representatives	***200***	
	Indirectly elected Representatives	***200***	
	Voters per seat	***148.244***	
	Territories	**Seats***	**Seats****
1	20,785	**0**	**0**
2	21,811	**0**	**0**
3	22,648	**0**	**0**
4	23,445	**0**	**0**
5	26,581	**0**	**0**
6	27,205	**0**	**0**
7	28,957	**0**	**0**
8	28,963	**0**	**0**
9	31,662	**0**	**0**
10	32,815	**0**	**0**
11	34,405	**0**	**0**
12	35,093	**0**	**0**
13	35,760	**0**	**0**
14	35,780	**0**	**0**
	Territories	**Seats***	**Seats****
15	41,357	**0**	**0**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
16	41,593	**0**	**0**
17	42,612	**0**	**0**
18	44,743	**0**	**0**
19	45,824	**0**	**0**
20	47,566	**0**	**0**
21	48,718	**0**	**0**
22	48,862	**0**	**0**
23	49,173	**0**	**0**
24	49,297	**0**	**0**
25	50,198	**0**	**0**
26	50,345	**0**	**0**
27	50,756	**0**	**0**
28	52,676	**0**	**0**
29	52,820	**0**	**0**
30	52,907	**0**	**0**
31	54,899	**0**	**0**
32	54,958	**0**	**0**
33	55,645	**0**	**0**
34	56,017	**0**	**0**
35	56,695	**0**	**0**
36	58,366	**0**	**0**
37	59,646	**0**	**0**
38	60,138	**0**	**0**
39	60,448	**0**	**0**
	Territories	**Seats***	**Seats****

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
40	61,659	**0**	**0**
41	62,298	**0**	**0**
42	62,368	**0**	**0**
43	62,622	**0**	**0**
44	64,230	**0**	**0**
45	64,274	**0**	**0**
46	64,664	**0**	**0**
47	65,635	**0**	**0**
48	65,927	**0**	**0**
49	67,378	**0**	**0**
50	69,147	**0**	**0**
51	69,718	**0**	**0**
52	74,227	**1**	**0**
53	74,447	**1**	**0**
54	74,708	**1**	**0**
55	74,888	**1**	**0**
56	74,972	**1**	**0**
57	75,070	**1**	**0**
58	75,632	**1**	**0**
59	76,056	**1**	**0**
60	77,438	**1**	**0**
61	79,052	**1**	**0**
62	80,850	**1**	**0**
63	82,303	**1**	**0**
64	82,844	**1**	**0**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
	Territories	**Seats***	**Seats****
65	84,031	**1**	**0**
66	84,363	**1**	**0**
67	84,484	**1**	**0**
68	84,808	**1**	**0**
69	85,590	**1**	**0**
70	85,640	**1**	**0**
71	88,154	**1**	**0**
72	88,492	**1**	**0**
73	88,732	**1**	**0**
74	90,255	**1**	**0**
75	91,226	**1**	**0**
76	92,247	**1**	**0**
77	92,568	**1**	**0**
78	92,597	**1**	**0**
79	92,693	**1**	**0**
80	92,956	**1**	**0**
81	93,434	**1**	**0**
82	95,809	**1**	**0**
83	96,865	**1**	**0**
84	97,214	**1**	**0**
85	97,281	**1**	**0**
86	98,097	**1**	**0**
87	98,246	**1**	**0**
88	98,788	**1**	**0**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
89	99,419	**1**	**0**
	Territories	**Seats***	**Seats****
90	99,583	**1**	**0**
91	99,607	**1**	**0**
92	102,633	**1**	**0**
93	104,902	**1**	**0**
94	105,887	**1**	**0**
95	108,939	**1**	**0**
96	109,269	**1**	**0**
97	110,411	**1**	**0**
98	111,133	**1**	**0**
99	111,806	**1**	**0**
100	112,233	**1**	**0**
101	112,436	**1**	**0**
102	112,580	**1**	**0**
103	113,968	**1**	**0**
104	114,081	**1**	**0**
105	114,839	**1**	**0**
106	115,659	**1**	**0**
107	116,538	**1**	**0**
108	116,871	**1**	**0**
	Territories	**Seats***	**Seats****
109	117,774	**1**	**0**
110	119,627	**1**	**0**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
111	119,637	**1**	**0**
112	119,993	**1**	**0**
113	121,836	**1**	**0**
114	122,012	**1**	**0**
115	122,499	**1**	**0**
116	122,782	**1**	**0**
117	123,366	**1**	**0**
118	123,425	**1**	**0**
119	126,074	**1**	**0**
120	126,589	**1**	**0**
121	128,197	**1**	**0**
122	131,765	**1**	**0**
123	136,463	**1**	**0**
	Territories	**Seats***	**Seats****
124	137,065	**1**	**0**
125	137,746	**1**	**0**
126	139,748	**1**	**0**
127	140,825	**1**	**0**
128	140,875	**1**	**0**
129	148,363	**1**	**1**
130	149,164	**1**	**1**
131	149,605	**1**	**1**
132	150,788	**1**	**1**
133	157,010	**1**	**1**
134	157,760	**1**	**1**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
135	158,080	**1**	**1**
136	158,258	**1**	**1**
	Territories	**Seats***	**Seats****
137	159,775	**1**	**1**
138	160,719	**1**	**1**
139	161,174	**1**	**1**
140	167,258	**1**	**1**
141	169,955	**1**	**1**
142	171,008	**1**	**1**
143	171,453	**1**	**1**
144	171,600	**1**	**1**
145	173,948	**1**	**1**
146	178,573	**1**	**1**
147	179,480	**1**	**1**
148	180,164	**1**	**1**
149	183,709	**1**	**1**
150	184,633	**1**	**1**
151	187,593	**1**	**1**
152	188,112	**1**	**1**
153	197,675	**1**	**1**
154	203,243	**1**	**1**
155	204,843	**1**	**1**
156	213,230	**1**	**1**
157	214,231	**1**	**1**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
158	214,404	**1**	**1**
159	215,679	**1**	**1**
160	215,895	**1**	**1**
161	217,054	**1**	**1**
	Territories	**Seats***	**Seats****
162	220,854	**1**	**1**
163	221,932	**1**	**1**
164	226,811	**2**	**1**
165	226,993	**2**	**1**
166	227,268	**2**	**1**
167	227,801	**2**	**1**
168	231,440	**2**	**1**
169	232,528	**2**	**1**
170	234,291	**2**	**1**
171	242,629	**2**	**1**
172	244,900	**2**	**1**
173	245,548	**2**	**1**
174	246,959	**2**	**1**
175	252,151	**2**	**1**
176	258,568	**2**	**1**
177	265,237	**2**	**1**
178	266,863	**2**	**1**
179	268,960	**2**	**1**
180	278,346	**2**	**1**
181	291,310	**2**	**1**

Mixed Member Proportional System: 200 Representatives from Territorial Level Constituencies		Simulation of Distribution of Electoral Seats: Territorial Level	
182	295,107	**2**	**1**
183	320,022	**2**	**2**
184	340,597	**2**	**2**
185	353,209	**2**	**2**
186	359,490	**2**	**2**
	Territories	**Seats***	**Seats****
187	365,675	**2**	**2**
188	386,121	**3**	**2**
189	396,062	**3**	**2**
190	422,919	**3**	**2**
191	428,962	**3**	**2**
192	439,079	**3**	**2**
193	477,458	**3**	**3**
194	478,450	**3**	**3**
195	479,064	**3**	**3**
196	530,257	**4**	**3**
197	551,137	**4**	**3**
198	555,124	**4**	**3**
199	604,210	**4**	**4**
200	619,827	**4**	**4**

**simulations are based on the 1984 census data*
Seats : A seat assigned when more than 0.51 percent of 148.244 voters (Total seats assigned: 200)*
*Seats** : A seat assigned for each 148.244 voters (Total seats assigned: 101)*

Chapter 8

Case Study: Fiji

Dr. Lisa Handley
January 2004

Case Study: Fiji

Delimiting Communal Seats to Guarantee Ethnic Representation

Dr. Lisa Handley • January 2004

The Pacific Island state of Fiji is an ethnically divided country with a history of political tension resulting in several coup d'etats. The two major ethnic groups are the indigenous Fijians and the Indo-Fijians. (The Indo-Fijians are primarily the descendants of indentured laborers brought by British colonists from India to work on sugar plantations during the 19th century.) These two groups are roughly equal in size – according to the 1996 census, 51.1 percent of the population is indigenous Fijian and 43.4 percent Indian.

Since independence in 1970, indigenous Fijians and Indo-Fijians have cast votes in separate communal constituencies, although under two of the three constitutions since 1970, "open" constituencies have also existed. Political parties tend to be ethnically identified and voting is, for the most part, ethnically-based. Because the population is approximately balanced, electoral victory tends to be dependent on the results in the open constituencies. The delimitation of constituency boundaries, especially open constituencies, is therefore of considerable significance in Fiji.

Historical Background

Following independence from Britain in 1970, Fiji appeared to make a relatively successful transition to multi-ethnic democracy. But in 1987, following the election of a government seen by the indigenous Fijian-dominated military as overly close to the Indo-Fijian community, two coups occurred. Eventually a new constitution, with provisions that weighed strongly in favor of the indigenous population, was promulgated.

The 1990 Constitution adopted a new electoral system based entirely on communal representation of ethnic groups, with separate electoral rolls for Fijians, Indians and "general electors". The indigenous Fijian population was guaranteed primacy in most senior government and administrative positions, including the office of the prime minister; the Indo-Fijian population, on the other hand, was under-represented in government relative to its proportion of the population.

In 1994, following economic difficulties, international condemnation (including expulsion from the Commonwealth of Nations) and a high level of emigration by the Indian community, the Fiji government established a Constitution Review Commission to re-examine the constitution and recommend a less biased form of representation. The Commission ultimately recommended a new constitution containing an innovative package of electoral arrangements designed to encourage the development of multi-ethnic politics in Fiji. One of these recommendations was the adoption of an Alternative Vote System.119

[119] Under an Alternative Vote System, electors rank the candidates in order of choice. If no candidate has over 50 percent of the first-preferences, lower order preference votes are transferred until a majority winner emerges. (This system is used in Australia and some other South Pacific Island countries.)

The 1997 Constitution as approved included the recommended preferential voting system. However, the constitution also retained communal seats: two-thirds of the seats in the new parliament were to be elected on a communal basis, the remaining one-third of the parliamentary seats were to be elected from an open electoral roll.

Elections under the new constitution were held in May 1999. These elections ended in a surprise victory for the Indo-Fijian party, the Fiji Labour Party (FLP), and Fiji's first Indo-Fijian Prime Minister, Mahendra Chaudhry. One year later, on May 19, 2000, the Prime Minister and other high-ranking government officials were taken hostage in the parliament building by an armed group led by George Speight, a member of a radical group of indigenous Fijian nationalists. Chaudry's government was dissolved, martial law was declared and the 1997 Constitution was abrogated.

In July 2000, the military transferred power to an interim administration (one that had not been elected) and indigenous Fijian Laisenia Qarase was sworn in as Prime Minster. Following significant pressure from the international community, the interim administration held elections in August 2001 under the provisions of the 1997 Constitution.[120]

The electorate voted mainly along ethnic lines and the political party of the interim Prime Minister Qarase won the most seats (31) in the 71 seat parliament; the deposed Prime Minister's Fiji Labour Party came in second with 27 seats. Mr. Qarase was sworn in as Fiji's new Prime Minster on ten September 2001. (The next election is to be held in September 2006.)

Electoral System

The bicameral parliament of Fiji is composed of an appointed Senate[121] and an elected House of Representatives. The 71 members of the House of Representatives are directly elected from single-member constituencies by a preferential voting system.

The 71 legislative constituencies are comprised of 46 "communal" constituencies and 25 "open" constituencies, with the members elected as follows:

- 46 members are elected by voters registered on one of 4 separate electoral rolls:
- 23 are elected from a roll of voters who are registered as indigenous Fijians
- 19 are elected from a roll of voters who are registered as Indians
- 1 is elected from a roll of voters who are registered as Rotumans
- 3 are elected from a roll of voters who are not registered as Fijians, Indians or Rotumans (this is the "general voters" roll)

[120] In November 2000, the High Court of Fiji ruled that the military's abrogation of the 1997 Constitution was illegal.

[121] The 34 senate seats are appointed as follows: 24 are appointed by the Great Council of Chiefs, nine are appointed by the president, and one is appointed by the council of Rotuma.

- 25 members are elected by voters from all communities registered on an open electoral roll

The outcome of an election depends heavily on the demographic distribution of ethnic groups and the way in which electoral boundaries – particularly the open seats – are drawn.

Legal Framework for Delimitation

Boundary Authority The 1997 Constitution dictates that delimitation (redistribution) be undertaken by a Constituency Boundaries Commission composed of three persons:

- A chairperson, who must be, or is qualified to be, a judge. The chairperson is appointed by the President, acting in his or her own judgment, following consultation with the Prime Minister and the Leader of the Opposition.
- Two additional members, both appointed by the President, one on the nomination of the Prime Minister and the other on the nomination of the Leader of the Opposition.

A person cannot be appointed as a member of the Commission if he or she is, or has been at any time during the past four years, a member of Parliament, or another representative body, or a member of a state service.

Final Authority Although the Commission must report its final determination to the House of Representatives, together with a summary of any objections made to it and the reasons for its final determination, the legislature does not vote on the determination and cannot veto it. Subject to the jurisdiction of a court to entertain an application for judicial review,[122] the decision of the Commission is final.

Public Input into the Process Whenever the Constituency Boundaries Commission proposes to alter a boundary, it must publish a notice and invite submissions from political parties, members of the House of Representatives and any other person or body wishing to make a submission. The invitation for submissions must specify a period of not less than 60 days for the making of submissions.

Notice must be placed in the daily newspapers and played on local radio stations indicating where anyone interested may inspect maps showing the provisional boundaries and a summary of the reasons for the provisional boundaries. The notice must also indicate the last day on which the Constituency Boundaries Commission will receive written objections to the provisional boundaries.

If any objections are received, the Constituency Boundaries Commission must publish an announcement specifying the places where the objections are available for public

[122] Although the court can consider objections to a constituency plan, this has not happened to date – no one has brought a claim against a redistribution plan.

inspection and the last day on which the Commission will receive counter-objections, being not less than 21 days after the date of publication of the notice.

After considering any objections and counter-objections, the Constituency Boundaries Commission makes a final determination and produces a report outlining the basis for its final determination and submits this report to Parliament.

Timing of Redistributions The Constituency Boundaries Commission must, in the year following each official census, review the boundaries and determine whether or not the boundaries should be changed to ensure compliance with established redistribution criteria.

Criteria for Redistributions The Constitution specifies a number of criteria the Commission must follow when drawing constituency boundaries, depending on the type of constituency. [123]

In determining the boundaries of the 23 Fijian communal seats, the Commission must ensure that the boundaries for 17 of the constituencies are in accordance with the provincial boundaries, with the provinces of Ba, Tailevu and Cakaudrove comprising two constituencies each, and the other provinces each comprising one constituency. The remaining six Fijian constituencies are to be composed of predominately urban areas in which the number of voters is to be, as far as reasonably practicable, equal.

The boundaries for the remaining 23 communal seats (19 Indian, one Rotuman and three General seats) are to be drawn in such a manner that each seat has roughly the same number of voters within its own communal category.

The boundaries for the 25 open constituencies are to be drawn so that each constituency has roughly the same number of voters and "a good proportion of members of the different ethnic groups."

In addition, the Commission must give due consideration to:

- the constituency's physical features
- the boundaries of existing administrative and recognized traditional areas
- means of communication and travel within the proposed constituency

1998 Delimitation Exercise

Both the 1999 and 2001 parliamentary elections were conducted using the constituency boundaries created by the 1998 Constituency Boundaries Commission.[124]

The 1998 Commission divided the Fiji Islands into the requisite 71 constituencies. Of these, 25 constituencies are "open seats" where candidates and voters are from any

[123] The criteria are listed in Chapter 6, Part 2 (Article 52) of the 1997 Constitution.

[124] The next parliamentary elections are not scheduled until September 2006.

ethnic group. The other 46 constituencies are communal seats in which a voter casts a vote only for candidates from his or her own ethnic community. In the Fijian communal constituencies, for example, only indigenous Fijians vote for indigenous Fijian candidates; in the Indo-Fijian constituencies, only Indo-Fijians vote for Indo-Fijian candidates. There are 23 communal seats for indigenous Fijians, 19 for Indo-Fijians, one for Rotumans and three for general electors (for those who are not on any of the other rolls).

Each elector appears on two rolls – one for the open seat and one for the communal, or racially-reserved, seat – and each voter casts two votes, one for an open seat representative and one for a communal seat representative. (There are actually two sets of constituency boundaries drawn for the country: a set of 46 communal constituencies that encompass the entire country and a set of 25 open constituencies that also encompass the entire country.)

Rural Fiji has high territorial segregation, and the outer islands are almost entirely indigenous Fijian. The main island and urban centers are more ethnically mixed and constituencies could be drawn in these areas that are, at least in part, more ethnically diverse.

Communal Constituencies According to the Constitution, the boundaries of most of the communal constituencies are to be drawn so that each constituency has roughly the same number of voters within its own communal category – for example, the 19 Indian constituencies should each have about the same number of Indo-Fijian voters. However, the Constitution places additional constraints on the 23 Fijian constituencies: the boundaries of 17 of the constituencies are to follow the provincial boundaries; the other six Fijian communal constituencies must be predominately urban.

As a result of these requirements, the populations of the constituencies vary quite dramatically. Table 8.1, below, lists the average number of voters for each type of communal seat, as well as for the open seats. (Appendix A provides the populations of all 71 constituencies for both the 1999 election and the 2001 election.)

Table 8.1: Average Population by Seat Type,1999 Electoral Constituencies[125]

Type of Seat	Number of Seats	Number of Voters	Average Number of Voters Per Seat
Fijian Reserved Seats			
• Provincial (Rural)	17	143889	8464
• Urban	6	76375	12729
• Total	23	220264	9577
Indian Reserved Seats	19	197621	10401
Rotuman Reserved Seat	1	5232	5232
General Reserved Seats	3	14029	4676
Total Reserved Seats	46	437146	9503
Open Seats	25	437146	17486

[125] This table is based on data reported in Appendix A and obtained from the Fiji Elections Office at www.elections.gov.fj/results2001/voter-pop.html .

The population quota for the 46 communal seats was 9,503 in 1999,[126] but the average number of voters per type of seat varied substantially from this quota. The provincial Fijian reserved seats were, on average, smaller than the population quota (the average number of voters in 1999 for these seats was 8,464, but the actual range in seat population was from 2,856 to 16,051 voters), while the Fijian urban reserved seats were, on average, much larger than the population quota. The Indian reserved seats were also, on average, larger than the population quota. The general reserved seats, and the seat reserved for Rotumans, were, however, considerably smaller than the population quota.

The total percent population deviation for the 46 communal seats was very close to 140 percent. This is quite high; most consolidated democracies that have established tolerance limits for population deviations have set the limit at around plus/minus ten percent, producing a total population deviation of no more than 20 percent. On the other hand, the total percent population deviation for the open seats was substantially smaller in 1999: only 29 percent.

Open Seats According to the 1997 Constitution, the Constituency Boundaries Commission must give due consideration to the principle that "voters should comprise a good portion of members of different ethnic communities." However, the 1998 Constituency Boundaries Commission found that achieving ethnic parity in the 25 open constituencies was "impossible" and instead opted to "provide that the overall balance of the ethnic communities was maintained over the 25 open seats."[127] This was done by distributing majority ethnic Fijian and majority Indo-Fijian constituencies roughly in proportion to their respective weights in the national population.

The Commission created ten open seats in which Fijian voters composed over 55 percent of the total voters. Indian voters made up over 55 percent of the total voters in eight open seats, and were a majority (between 50 and 55 percent of the voters) in an additional three seats. (Appendix B provides the ethnic composition – percent indigenous Fijian, Indian, Rotuman, and general – of the open constituencies when they were drawn.)

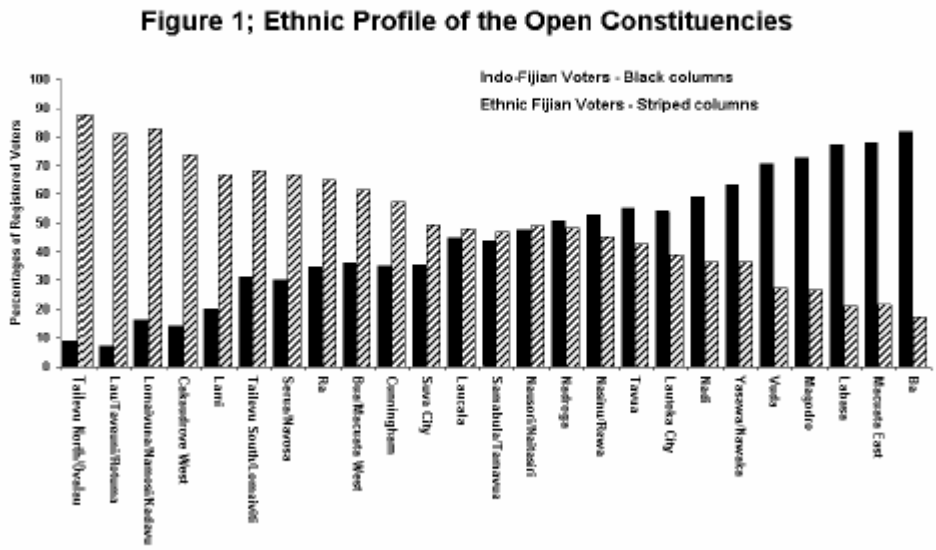
The Figure below, reprinted from an article written by Jon Fraenkel,[128] illustrates the ethnic profile of the open seats:

[126] The population quota is obtained by dividing the total population (437,146) by the number of seats (46).

[127] Constituency Boundaries Commission, Final Report, September 1998.

[128] Jon Fraenkel, "The Alternative Vote System in Fiji: Electoral Engineering or Ballot-Rigging?" *Journal of Commonwealth and Comparative Politics*, volume 39 (2), July 2001, page 10.

Figure 8.1: Ethnic Profile of Open Constituencies



Source; Fiji Elections Office, *Registered Voters by Constituency*, Suva, 1999.

Only a few of the open seats created by the Commission were truly ethnically mixed. These seats included:

- Nausori / Naitasiri: 49% Fijian and 48% Indian
- Nasinu / Naitasiri: 49% Fijian and 48% Indian
- Laucala: 48% Fijian and 45% Indian
- Samabula / Tamavua: 47% Fijian and 44% Indian
- Suva City: 49% Fijian, 35% Indian and 11% General
- Nadroga: 48% Fijian and 51% Indian

These ethnically mixed open seats proved pivotal in the 1999 and 2001 elections.

Results of the 1999 and 2001 Parliamentary Elections

Since independence in 1970, electoral contests in Fiji have been marked by ethnic conflict between indigenous Fijian-supported and Indian-supported political parties. The indigenous Fijian communal seats have consistently elected representatives from a separate set of parties as the Indian communal seats. As a consequence, the election has typically been decided by the open seats (when they have existed), and the most important open seats have been those with a heterogeneous population. The two most recent elections – 1999 and 2001 – are no exceptions to this rule.

1999 Parliamentary Elections Voting in 1999 was strongly along ethnic lines. Table 2 displays the results of the election by type of seat.

Table 8.2: Results of 1999 Parliamentary Election[129]

	FLP	FAP	SVT	PANU	VLV	UGP	NVTLP	INDP
Open	18	2	3	0	0	1	0	1
Fijian	0	9	5	4	3	0	1	1
Indian	19	0	0	0	0	0	0	0
General	0	0	0	0	0	1	0	2
Rotuman	0	0	0	0	0	0	0	1
Total	*37*	*11*	*8*	*4*	*3*	*2*	*1*	*5*

FLP Fiji Labour Party
FAP Fijian Association Party
SVT Soqosoqo ni Vakavulewa ni Taukei
PANU Party of National Unity
VLV Veitokani ni Lewenivanua Vakarisito
UGP United General Party
NVTLP Nationalist Party
INDP Independents

All 19 of the Indian reserved seats went to the Fiji Labour Party (FLP), but not a single one of the Fijian communal seats went to the FLP. Five major Fijian parties split among themselves 22 of the 23 reserved indigenous Fijian seats, but not one of these parties carried a single Indian seat. In fact, the largely Indian-supported parties (the FLP and the National Federal Party (NFP), which obtained a substantial portion of the Indian vote but no seats) obtained less than two percent of the indigenous Fijian vote, while the largely Fijian-supported parties received less than one percent of the Indian vote.

As Table 2 indicates, the Indian-supported FLP won the election with 37 seats, primarily because indigenous Fijian voters split their votes across five parties and the vast majority of open seats went to the FLP. The FLP not only carried the open seats in which Indian voters were a majority (which the FLP usually won on the first count), but also number of open seats in which the transfer of votes (Fiji has an Alternative Vote System) ultimately led to a victory for the FLP.[130]

The Indian-backed FLP, after managing to secure an absolute majority of the seats, named their leader, Mahendra Chaudry, as the country's first Indian Prime Minister. One year later, George Speight marched into Parliament and took the Prime Minister and most of his cabinet hostage. Although the coup was eventually defeated, a caretaker regime, composed largely of indigenous Fijians, was installed and new elections were called for August 2001.

[129] The data for this table was reported by the Fiji Elections Office and found at www.elections.gov.fj/results2001/voter-pop.html .

[130] Had the parties supported by indigenous Fijians agreed to exchange preferences, the FLP would probably not have won nearly as many open seats. However, three ethnic Fijian parties (including the FAP and PANU) consistently put the FLP in second position in their preference lists rather than list each other.

2001 Parliamentary Elections The results of this election are listed in Table 3.

Table 8.3: Results of 2001 Parliamentary Election[131]

Type of Seat	Political Party						
	FLP	**SDL**	**MV**	**NFP**	**NLUP**	**UGP**	**INDP**
Open	8	13	1	1	1	0	1
Fijian	0	18	5	0	0	0	0
Indian	19	0	0	0	0	0	0
General	0	1	0	0	1	1	0
Rotuman	0	0	0	0	0	0	1
Total	*27*	*32*	*6*	*1*	*2*	*1*	*2*

FLP Fiji Labour Party
SDL Soqosoqo Duavata Ni Lewenivanua
MV Matanitu Vanua
NFP National Federation Party
NLUP New Labour Unity Party
UGP United General Party
INDP Independents

Ethnically polarized voting in the 2001 election led to another divisive victory, but this time the winner was the indigenous Fijian-backed Soqosoqo ni Duavata ni Lewenivanua (SDL) party – a new party founded by a coalition of ministers serving in the post-coup caretaker regime – that emerged as the winner of the election.

As in 1999, no indigenous Fijian-supported party won a single Indian seat, and Indian-supported FLP did not win a single Fijian seat. In 1999, the victorious FLP received less than two percent of the indigenous Fijian vote; in 2001 the SDL received a mere .1 percent of the Indian vote.

All of the Indian communal seats went to the FLP. All of the Fijian communal seats, on the other hand, went to one of two indigenous Fijian-supported parties, the SDL or the Matanitu Vanua (MV). The open seats with large indigenous Fijian population also went to either the SDL or the MV. The other open constituencies obtained by the SDL were won on the basis of transfers of party preferences.

The 2001 election (as well as the 1999 election) produced very disproportionate results: the percentages of votes received by the parties were very different from their shares of total seats won. For example, the SDL won 27.5 percent of the vote, but received 45.1 percent of the seats. Table 8.4, below, reports the percentage of votes and seats won for the parties that actually secured seats.

[131]The data was reported by the Fiji Elections Office, www.elections.gov.fj/results2001/voter-pop.html .

Table 8.4: Percentage of Votes and Seats Won, 2001 Parliamentary Election[132]

Party	Percent of Votes Won	Percent of Seats Won
FLP	26.5	38.0
SDL	27.5	45.1
MV	4.2	8.5
NLUP	1.3	2.8
UGP	.3	1.4
NFP	1.2	1.4
INDP	1.4	2.8
Total	*62.4*	*100.0*

Some commentators have argued that the reason the results were so disproportionate, and that the 1999 and 2001 elections were decided in the near-parity open seats, is that the proportion of open seats to communal seats is not high enough and the open seats are not well-designed:

> "The way electoral districts were drawn… ensured that opportunities for genuine inter-ethnic cooperation were rare. Because only the 25 open electorates enabled multi-ethnic competition, and of these no more than eight were reasonably balanced in their mixture of indigenous Fijian and Indo-Fijian voters, the vast majority of electorate-level contests provided no opportunity at all for cross-ethnic campaigns, appeals or outcomes… The CRC's recommendation for a "good" proportion of members of both major communities in all open seats was interpreted extremely loosely, to mean ethnic balances of up to 90:10 in some cases, which obviated the need for intra-communal vote swapping. In most seats, clear Indian or Fijian majorities prevailed."[133]

Other writers (such as Jon Fraenkel in a series of articles discussing the Fiji electoral system) disagree with this assessment and contend that it is the Alternative Vote System that has failed. Regardless of which argument is correct, it is clear that the Fiji system has failed to foster the desired multi-ethnic cooperation.

Conclusion

Since 1970, when Fiji gained its independence, indigenous Fijians and Indo-Fijians have voted in separate ethnically-based communal constituencies. Voting is ethnically polarized, and political parties tend to be aligned with one ethnic group or another. As a result, it is the votes cast in the open constituencies, where all voters – regardless of race or ethnicity – cast ballots, that have decided recent elections. This, and the fact that the electoral system depends on majoritarian voting in single-member constituencies that can distort the partisan votes to seats ratio, means that constituency boundaries have important implications in Fiji.

[132] The data for this table was reported by the Fiji Elections Office and found at www.elections.gov.fj/results2001/voter-pop.html .

[133] Benjamin Reilly, "Evaluating the effect of the electoral system in post-coup Fiji," *Pacific Ecomonic bulletin*, Volume 16 (1), May 2001, page 146.

Appendix: Fiji

Appendix A: Total Voting Population Registered for General Elections in 1999 and 2001[134]

Code	Constituency	1999	2001
	Fijian Provincial Communal		
01	Bua	6,357	6,972
02	Kadavu	5,845	6,540
03	Lau	6,807	7,536
04	Lomaiviti	8,131	8,743
05	Macuata	9,377	9,964
06	Nadroga / Navosa	16,051	17,415
07	Naitasiri	1,449	12,488
08	Namosi	2,856	3,053
09	Ra	9,570	10,589
10	Rewa	6,289	6,832
11	Serua	3,909	4,065
12	Ba East	10,019	11,115
13	Ba West	12,435	13,141
14	Tailevu North	8,946	9,535
15	Tailevu South	8,738	9,635
16	Cakaudrove East	8,054	8,847
17	Cakaudrove West	9,062	9,855
	Fijian Urban Communal		
18	North East	13234	14,477
19	North West	15307	16,306
20	South West	12070	13,230
21	Suva City	11653	12,675
22	Tamavua / Laucala	12573	13,709
23	Nasinu	11538	12,423
	General Voter Communal		
24	Suva City	3,772	4,113
25	North Eastern	4,556	4,895
26	Western / Central	5,701	5,942
	Indian Communal		
27	Vitilevu East / Maritime	7,761	8,239
28	Tavua	8,477	9,197
29	Ba East	10,049	10,487
30	Ba West	10,188	11,240
31	Lautoka Rural	9,667	10,264
32	Lautoka City	11,849	12,355
33	Vuda	11,289	11,584
34	Nadi Urban	1,236	13,019
35	Nadi Rural	9,678	10,161
36	Nadroga	11,179	11,833

[134] This data was obtained from the Fiji Elections Office at www.elections.gov.fj/results2001/voter-pop.html .

Code	Constituency	1999	2001
37	Viti Levu South / Kadavu	7,839	8,291
38	Suva City	13,280	14,467
39	Vanua Levu West	8,839	9,186
40	Laucala	14,453	15,352
41	Nasinu	12,090	13,081
42	Tailevu / Rewa	10,875	11,520
43	Labasa	9,668	9,996
44	Labasa Rural	9,775	10,113
45	Macuata East / Cakaudrove	83,32	8,721
	Rotuman Communal		
46	Rotuman	52,32	5,571
	Open		
47	Tailevu North / Ovalau	17,306	18,555
48	Tailevu South / Lomaiviti	19,759	21,372
49	Nausori / Naitasiri	16,631	17,915
50	Nasinu / Rewa	17,034	18,619
51	Cunningham	17,578	18,996
52	Laucala	15,939	17,046
53	Samabula / Tamavua	16,280	17,504
54	Suva City	15,565	17,099
55	Lami	15,865	17,090
56	Lomaivuna / Namosi / Kadavu	18,668	20,154
57	Ra	17,962	19,750
58	Tavua	15,814	17,181
59	Ba	19,477	21,352
60	Magodro	17,572	18,743
61	Lautoka City	18,114	19,081
62	Vuda	18,920	19,555
63	Nadi	20,807	21,809
64	Yasawa / Namaka	17,008	17,995
65	Nadroga	17,333	18,524
66	Serua / Navosa	19,056	20,536
67	Bua / Macuata West	17,913	19,186
68	Labasa	16,252	17,014
69	Macuata East	18,299	18,615
70	Cakaudrove West	15,572	16,889
71	Lau / Taveuni / Rotuma	16,422	18,192

Appendix B: Ethnic Composition of Open Constituencies[135]

Code	Open Constituency	Percent			
		Fijian	Indian	General	Rotuman
47	Tailevu North / Ovalau	87.7	8.8	3.3	.3
48	Tailevu South / Lomaiviti	68.3	31.0	.6	.1
49	Nausori / Naitasiri	48.9	47.5	2.1	1.1
50	Nasinu / Rewa	45.2	52.8	1.3	.7
51	Cunningham	57.4	35.1	5.6	1.8
52	Laucala	47.9	44.8	3.9	3.4
53	Samabula / Tamavua	46.8	43.6	6.7	2.8
54	Suva City	49.4	35.4	10.8	4.4
55	Lami	66.8	20.1	11.6	1.5
56	Lomaivuna / Namosi / Kadavu	82.8	16.1	.7	.4
57	Ra	64.7	34.7	.5	.1
58	Tavua	42.6	54.9	1.1	1.3
59	Ba	17.1	81.8	1.0	.1
60	Magodro	26.8	72.6	.4	.1
61	Lautoka City	39.0	54.2	4.8	2.0
62	Vuda	27.4	70.5	1.5	.5
63	Nadi	36.5	59.1	3.3	1.1
64	Yasawa / Namaka	36.6	63.1	.3	.0
65	Nadroga	48.2	50.6	1.0	.2
66	Serua / Navosa	66.9	30.1	2.6	.4
67	Bua / Macuata West	61.5	36.2	2.2	.1
68	Labasa	21.1	75.6	2.0	.1
69	Macuata East	21.5	78.0	.5	.0
70	Cakaudrove West	73.5	14.3	11.9	.3
71	Lau / Taveuni / Rotuma	81.0	7.1	3.8	8.2

[135] The data for this table was reported by the Fiji Elections Office and found at www.elections.gov.fj/results2001/voter-pop.html .

Chapter 9

Case Studies: Germany

Dr. Peter Schrott
January 2004

Case Study: Germany

Dr. Peter Schrott • January 2004

After the Second World War, the new Federal Republic of Germany adopted a mixed electoral system that combined party list proportional representation with single-member district representation. Although mixed systems are becoming increasingly popular now, the German system was unique when first employed.

Because mixed systems incorporate single-member districts, delimitation must occur periodically in order to ensure that electoral constituencies are relatively equal in population. The importance of the delimitation process and the influence that constituency configurations have on the outcome of elections depends on whether the party list seats are used to correct any distortions in the relationship between votes cast and seats won in the single-member districts.

In Germany, seats allocated under the party list component of the system are used to compensate for any distortions in the seats-to-votes ratio produced at the electoral district level.[136] This type of electoral system, often referred to as a Mixed Member Proportional (MMP) system, has been adopted by a number of countries in recent years (e.g., New Zealand, Hungary, Italy, Venezuela, Bolivia).

In other countries with mixed systems, the party list seats are not used to compensate for any disproportionality arising from elections within the single-member districts. Instead, seats allocated to the parties under the party list component of the election are simply added to the seats won at the electoral district level. The partisan seats-to-votes ratio may, therefore, be distorted. In this type of mixed system, often called a "parallel" system,[137] the district delimitation process is more important because it can have a more pronounced effect on the partisan composition of the legislature.

Even though Germany is an MMP system, the delimitation process does have ramifications for the outcome of elections. This is because the allocation of compensatory seats (party list seats allocated to a party to compensate for any distortions in the seats-to-votes ratio) is done at the state (Länder) level rather than the national level. Since German states vary in size and in political alignments, unequally delimited electoral districts across states may easily lead to so-called overhang mandates (Überhangmandate), with strong parties in such states carrying more direct seats than have been allocated for that state.

Electoral System

The Parliament of the Federal Republic of Germany is bicameral: members of the lower house, the Bundestag, are directly elected; members of the upper house, the Bundesrat, are composed of representatives appointed by the states (Länder).

[136] For example, if a political party were to win 55% of the total vote cast in a parliamentary election but win only 45% of the constituency seats, compensatory seats would be allocated to the party such that the percentage of seats held by that party would total 55% of the parliamentary seats overall.

[137] Parallel systems are common among the former Soviet Republics and Russia, for example.

The composition of the Bundestag is determined by the MMP electoral system, combining elements of the single-member constituency plurality system with List Proportional Representation (PR). Under this system, half the Bundestag members are directly elected from single-member constituencies (Wahlkreisen); the other half are elected by party list.

Constituency seats are filled by the First-Past-the-Post (FPTP), or plurality method, under which the candidate obtaining the largest number of votes in each constituency is elected. Between 1957 and 1987, there were 248 of these constituencies; from 1990 to 1998 there were 328; and in 2002 the number was reduced to 299. These constituencies are allocated among the Länder in proportion to the populations of the Länder.

The party list seats are distributed based on a party's percentage of the popular vote. For example, if a party wins 15 percent of the popular vote, it receives 15 percent of the seats in the Bundestag.

Each voter casts two ballots in a Bundestag election. The first vote (Erststimme) is cast for an individual candidate running to represent a particular electoral district. The second ballot (Zweitstimme) is cast for a political party, and it is the second vote that determines how many Bundestag seats each party will receive.[138]

To ensure that each party's percentage of the combined district (first ballot) and party (second ballot) seats equals its share of the second vote, each party is allocated the requisite number of seats given its share of the total second vote. The number of constituency seats won by each party is subtracted from the total number of seats allocated to that party, and the remaining seats are filled by candidates from the party list.

If a party wins more constituency seats than it is entitled to, according to its share of the party vote, the party retains these seats (known as overhang mandates or Überhangmandate), and the size of the Bundestag is increased. Every recent election has resulted in overhang mandates: after the 1990 election, the total number of seats in the Bundestag rose from 656 to 662; in 1994, another 16 seats were added for a total of 672 seats; in 1998 the election produced 13 overhang mandates for a total of 669 seats; and in 2002, despite the major re-delimitation to reduce overall seats to 598 and to avoid overhang mandates, the Bundestag was increased to 603 seats by five overhang mandates.

Legal Framework for Delimitation

At the beginning of each parliamentary term, the president of Germany – in accordance with Article 3 of the German electoral law – nominates an independent standing Electoral Districts Commission (*Wahlkreiskommission*). The task of the Commission is to report on population changes in electoral constituencies and to put forward recommendations on how to re-delimit constituencies, if necessary, to accommodate these changes.

Boundary Authority The independent Electoral Districts Commission (EDC) is established and selected by the German President at the beginning of each parliamentary term. It consists

[138] The political parties establish a party list for each *Länder*.

of the President of the Federal Statistical Office, a judge from the Federal Court of Administration, and five additional members, usually high-level administrative state functionaries.

Delimitation Criteria The EDC is required to follow five rules (as established in Article 3 of the Federal Electoral Law, April 27, 2001) for electoral delimitation. They are as follows:

- The Länder boundaries must be observed.
- The number of constituencies in the individual Länder must correspond to the population proportion as far as possible.
- The population of a constituency should not deviate from the average population of the constituencies by more than 15 percent in either direction; where the deviation is greater than 25 percent, the boundaries shall be redrawn.
- Each constituency should form a coherent area.
- Where possible, the boundaries of the communes, districts, and urban districts should be respected.

The Commission has 15 months to complete its report and present the findings to the Ministry of the Interior. The report of the Commission contains the current population of the electoral districts and recommendations for reallocating district seats and modifying district boundaries. The EDC may put forward several alternative plans for redistricting so that Parliament has more than one option available when deciding how, if at all, to redraw the constituencies.

Participation of Other Institutions The EDC produces its report with input from a number of other institutions, including members of the Ministry of the Interior who take part in EDC meetings. The Commission is in contact with *Länder* governmental employees responsible for electoral procedures in all of the states. Furthermore, each *Länder* has the opportunity to present its position on any of the Commission's recommendations.

The Role of the Parliament The Parliament makes the final decision as the whether to redistrict and what redistricting plan to adopt. After reading the EDC report and debating the subject, Parliament votes on whether to accept any of the EDC recommendations. Unless there are population deviations greater than 25 percent (previously 33 percent), Parliament is not required to accept any of the EDC proposals. In fact, Parliament has frequently decided not to make any changes.

Reforming the Redistricting Process in Germany

The Commission Review that began in 1995 proposed major changes in the process for re-delimiting constituencies. These changes were warranted for a number of reasons:

1. The allocation of districts had not changed since 1980 in the western *Länder*, and since 1990 in the eastern *Länder*, although major population changes had taken place. Parliament not only rejected reallocation recommendations in 1983, 1987, and 1990 but also rejected the EDC constituency delimitation plan for a united Germany in 1994. Parliament tended to approve only those EDC recommendations that were necessitated by law (that is, when the population variation was greater than 33 percent).

2. The 1994 parliamentary elections produced 16 surplus seats (and the election in 1998 produced another 13 surplus seats). There are several factors leading to surplus seats, but one of the major reasons is the unbalanced distribution of electoral districts due to substantial changes in populations across the *Länder*.
3. As of the end of 1994, three electoral constituencies deviated by more than 33 percent from the average constituency size. Several more were very close to this limit.
4. County reforms initiated prior to 1994 in the new Länder also prompted a need to modify constituency boundaries.
5. In addition, in June 1995, the *Bundestag* decided to reduce the size of the legislature by up to 100 seats starting with the 15th term (2002).

Ultimately, a Reform Commission (*Reformkommission zur Größe des Deutschen Bundestages*) was established on September 20',1995 to make recommendations. The Commission was composed of 20 members of the *Bundestag* (with the ruling CDU/CSU holding 11 seats on the Commission), and 14 experts (several of them were former members of the *Bundestag*.)

The task of the Reform Commission was to produce recommendations on all important questions relating to the reduction in size of the *Bundestag*, including the issues of delimitation of electoral districts and the overhang mandate rules, as well as a number of other related issues.

On June 17, 1997, the President of the Reform Commission, Hans-Ulrich Klose, presented the final recommendations to the *Bundestag*. These recommendations led to the following changes in the electoral law related to constituency delimitation:

- The number of *Bundestag* constituency seats was reduced from 328 to 299.
- The number of electoral districts allocated to each state was required to be as proportional to each state's relative population as possible.
- The permissible population deviation was reduced: previously population deviations of up to 25 percent were permitted, and it was not until the deviation reached 33 percent that the constituency boundaries were required by law to change. The electoral law now requires that the population of a constituency not deviate from the average population by more than 15 percent, and if the deviation exceeds 25 percent, the constituency boundaries must be redrawn.

Seat Allocation by State: Before and After Bundestag Seat Reduction

The table below displays the allocation of constituency seats by state before and after the reduction of *Bundestag* constituency seats from 328 to 299.

Table 9.1: Seat Allocation After Bundestag Seat Reduciton

States	2002	1998
Baden-Württemberg (Constituency 259 – 295)	37	37
Bayern (Constituency 215 – 258)	44	45
Berlin (Constituency 76 – 87)	12	13
Brandenburg (Constituency 56 – 65)	10	12
Bremen (Constituency 54 and 55)	2	3
Hamburg (Constituency 19 – 24)	6	7
Hessen (Constituency 169 – 189)	21	22
Mecklenburg-Vorpommern (Constituency 12 – 18)	7	9
Niedersachsen (Constituency 25 – 53)	29	31
Nordrhein-Westfalen (Constituency 88 – 151)	64	71
Rheinland-Pfalz (Constituency 200 – 214)	15	16
Saarland (Constituency 296 – 299)	4	5
Sachsen (Constituency 152 – 168)	17	21
Sachsen-Anhalt (Constituency 66 – 75)	10	13
Schleswig-Holstein (Constituency 1 – 11)	11	11
Thüringen (Constituency 190 – 199)	10	12

History of Redistricting in Germany

The EDC makes recommendations with regard to redistricting approximately every four years. The following indicates what actions the Parliament ultimately took when presented with EDC recommendations:

- First Report of the EDC in 1958: Parliament took no action.
- Report of 1962: Recommendations accepted by Parliament.
- Reports of 1966 and 1970: Parliament took limited action.
- Report of 1973: EDC recommended reallocation of seats to states, which was rejected by Parliament. Redistricting within states was partially accepted by Parliament.
- Report of 1978: EDC recommendations partially accepted.
- Report of 1982: No major recommendation made by EDC because Parliament was dissolved. There were two changes made due to population deviations in excess of 33 percent.
- Report of 1984: EDC recommendations to redistrict boundaries partially accepted.
- Report of 1988: Minor changes only because census numbers were not yet available.
- Report of 1992: EDC recommendations were not accepted, except for boundary changes required because of deviations in excess of 33 percent; major redistricting in Berlin.
- Report of 1996: Most of the 16 states did not accept changes proposed by EDC. Berlin was granted a new electoral district; Mecklenburg-Vorpommern lost a seat; and Lower Saxony gained a seat. There was some re-delimitation in Hessia due to deviations in excess of 25 percent.
- Report of 1999 and supplementary report of 2000: Major re-delimitation to reduce the number of electoral districts to 299.

- Report of 2003: Due to population shifts, the EDC proposed that Thüringen and Schleswig-Holstein each lose one seat, and that Bavaria and Niedersachsen each gain one seat. The Governments of Thüringen and Niedersachsen, however, rejected the proposal.

Conclusion

Redistricting in Germany is more or less enforced by law. Under certain conditions, mandatory changes are required and there is very little leeway for political maneuvering. Because the EDC is an independent organ and there are set rules that it must follow when making recommendations for redistricting, gerrymandering is virtually impossible.

However, *Länder* governments – particularly if they are due to lose a seat – do not relish a change in constituency boundaries. Members of Parliament are also likely to object to changes in constituency lines: new constituency boundaries could make it more difficult for incumbent legislators to win and could lead to the loss of a party seat. Therefore, Parliament often simply accepts only those changes that are mandated by law, retaining the *status quo* as much as possible.

Appendix: Germany: Electoral District Populations and Population Deviations

Ideal Seat (EDC calculation 2000): 250,167					
Total German Population (2002): **74,821,900**					
1	Schleswig-Holstein	Flensburg - Schleswig	267	1.07	6.7
2	Schleswig-Holstein	Nordfriesland - Dithmarschen-Nord	223.3	0.89	-10.7
3	Schleswig-Holstein	Steinburg - Dithmarschen-Süd	217.9	0.87	-12.9
4	Schleswig-Holstein	Rendsburg-Eckernförde	237.3	0.95	-5.1
5	Schleswig-Holstein	Kiel	233.3	0.93	-6.7
6	Schleswig-Holstein	Plön - Neumünster	213.7	0.85	-14.6
7	Schleswig-Holstein	Pinneberg	269.1	1.08	7.6
8	Schleswig-Holstein	Segeberg - Stormarn-Nord	272.4	1.09	8.9
9	Schleswig-Holstein	Ostholstein	211.1	0.84	-15.6
10	Schleswig-Holstein	Herzogtum Lauenburg - Stormarn-Süd	270.4	1.08	8.1
11	Schleswig-Holstein	Lübeck	210.3	0.84	-15.9
12	Mecklenburg-West Pomerania	Wismar - Nordwestmecklenburg - Parchim	273.3	1.09	9.2
13	Mecklenburg-West Pomerania	Schwerin - Ludwigslust	229.8	0.92	-8.1
14	Mecklenburg-West Pomerania	Rostock	198	0.79	-20.9
15	Mecklenburg-West Pomerania	Stralsund - Nordvorpommern - Rügen	253.8	1.01	1.5
16	Mecklenburg-West Pomerania	Greifswald - Demmin - Ostvorpommern	261.3	1.04	4.5
17	Mecklenburg-West Pomerania	Bad Doberan - Güstrow - Müritz	296.3	1.18	18.4

Ideal Seat (EDC calculation 2000): 250,167					
18	Mecklenburg-West Pomerania	Neubrandenburg - Mecklenburg-Strelitz - Uecker-Randow	245.1	0.98	-2.0
19	Hamburg	Hamburg-Mitte	284.9	1.14	13.9
20	Hamburg	Hamburg-Altona	198.6	0.79	-20.6
21	Hamburg	Hamburg-Eimsbüttel	209.5	0.84	-16.3
22	Hamburg	Hamburg-Nord	237.1	0.95	-5.2
23	Hamburg	Hamburg-Wandsbek	251.3	1.00	0.5
24	Hamburg	Hamburg-Bergedorf - Harburg	261.5	1.05	4.5
26	Lower Saxony	Unterems	282.4	1.13	12.9
27	Lower Saxony	Friesland - Wilhelmshaven	233	0.93	-6.9
28	Lower Saxony	Oldenburg - Ammerland	248.7	0.99	-0.6
29	Lower Saxony	Delmenhorst - Wesermarsch - Oldenburg-Land	272.5	1.09	8.9
30	Lower Saxony	Cuxhaven - Osterholz	249.9	1.00	-0.1
31	Lower Saxony	Stade - Cuxhaven	228.1	0.91	-8.8
32	Lower Saxony	Mittelems	277.8	1.11	11.0
33	Lower Saxony	Cloppenburg - Vechta	258.5	1.03	3.3
34	Lower Saxony	Diepholz - Nienburg I	229.6	0.92	-8.2
35	Lower Saxony	Rotenburg - Verden	276.1	1.10	10.4
36	Lower Saxony	Soltau-Fallingbostel - Winsen L.	299.3	1.20	19.6
37	Lower Saxony	Lüchow-Dannenberg - Lüneburg	256.9	1.03	2.7
38	Lower Saxony	Osnabrück-Land	244.4	0.98	-2.3
39	Lower Saxony	Stadt Osnabrück	241	0.96	-3.7
40	Lower Saxony	Nienburg II - Schaumburg	242	0.97	-3.3
41	Lower Saxony	Stadt Hannover I	215.1	0.86	-14.0
42	Lower Saxony	Stadt Hannover II	222	0.89	-11.3
43	Lower Saxony	Hannover-Land I	276.4	1.10	10.5
44	Lower Saxony	Celle - Uelzen	263	1.05	5.1
45	Lower Saxony	Gifhorn - Peine	259.6	1.04	3.8
46	Lower Saxony	Hameln-Pyrmont - Holzminden	244.1	0.98	-2.4
47	Lower Saxony	Hannover-Land II	282	1.13	12.7
48	Lower Saxony	Hildesheim	275.2	1.10	10.0
49	Lower Saxony	Salzgitter - Wolfenbüttel	267.2	1.07	6.8

Ideal Seat (EDC calculation 2000): 250,167					
50	Lower Saxony	Braunschweig	223.9	0.90	-10.5
51	Lower Saxony	Helmstedt - Wolfsburg	225.8	0.90	-9.7
52	Lower Saxony	Goslar - Northeim - Osterode	268.2	1.07	7.2
53	Lower Saxony	Göttingen	280.7	1.12	12.2
54	Bremen	Bremen I	293.7	1.17	17.4
55	Bremen	Bremen II - Bremerhaven	290.2	1.16	16.0
56	Brandenburg	Prignitz - Ostprignitz-Ruppin - Havelland I	220.1	0.88	-12.0
57	Brandenburg	Uckermark - Barnim I	226.2	0.90	-9.6
58	Brandenburg	Oberhavel - Havelland II	267.1	1.07	6.8
59	Brandenburg	Märkisch-Oderland - Barnim II	271.2	1.08	8.4
60	Brandenburg	Brandenburg a.d. Havel - Potsdam-Mittelmark I - Havelland III - Teltow-Fläming I	247.9	0.99	-0.9
61	Brandenburg	Potsdam - Potsdam-Mittelmark II - Teltow-Fläming II	279.9	1.12	11.9
62	Brandenburg	Dahme-Spreewald - Teltow-Fläming III - Oberspreewald-Lausitz I	251.5	1.01	0.5
63	Brandenburg	Frankfurt (Oder) - Oder-Spree	262	1.05	4.7
64	Brandenburg	Cottbus - Spree-Neiße	259	1.04	3.5
65	Brandenburg	Elbe-Elster - Oberspreewald-Lausitz II	255.2	1.02	2.0
66	Saxony-Anhalt	Altmark	241.1	0.96	-3.6
67	Saxony-Anhalt	Elbe-Havel-Gebiet	294.3	1.18	17.6
68	Saxony-Anhalt	Harz	253.5	1.01	1.3
69	Saxony-Anhalt	Magdeburg	229.7	0.92	-8.2
70	Saxony-Anhalt	Börde	259.7	1.04	3.8
71	Saxony-Anhalt	Anhalt	285.8	1.14	14.2
72	Saxony-Anhalt	Bernburg - Bitterfeld - Saalkreis	260.3	1.04	4.1
73	Saxony-Anhalt	Halle	246	0.98	-1.7
74	Saxony-Anhalt	Burgenland	271.1	1.08	8.4
75	Saxony-Anhalt	Mansfelder Land	263.1	1.05	5.2
76	Berlin	Berlin-Mitte	238.6	0.95	-4.6
77	Berlin	Berlin-Pankow	255.2	1.02	2.0
78	Berlin	Berlin-Reinickendorf	226	0.90	-9.7

Ideal Seat (EDC calculation 2000): 250,167					
79	Berlin	Berlin-Spandau - Charlottenburg-Nord	222.6	0.89	-11.0
80	Berlin	Berlin-Steglitz - Zehlendorf	262.7	1.05	5.0
81	Berlin	Berlin-Charlottenburg - Wilmersdorf	240.9	0.96	-3.7
82	Berlin	Berlin-Tempelhof - Schöneberg	288.6	1.15	15.4
83	Berlin	Berlin-Neukölln	243.4	0.97	-2.7
84	Berlin	Berlin-Friedrichshain - Kreuzberg - Prenzlauer Berg-Ost	250.2	1.00	0.0
85	Berlin	Berlin-Treptow - Köpenick	220.7	0.88	-11.8
86	Berlin	Berlin-Marzahn - Hellersdorf	259.3	1.04	3.7
87	Berlin	Berlin-Lichtenberg - Hohenschönhausen	245.1	0.98	-2.0
88	North Rhine-Westphalia	Aachen	201.5	0.81	-19.5
89	North Rhine-Westphalia	Kreis Aachen	272.8	1.09	9.0
90	North Rhine-Westphalia	Heinsberg	224.8	0.90	-10.1
91	North Rhine-Westphalia	Düren	240.6	0.96	-3.8
92	North Rhine-Westphalia	Erftkreis I	286.1	1.14	14.4
93	North Rhine-Westphalia	Euskirchen - Erftkreis II	291	1.16	16.3
94	North Rhine-Westphalia	Köln I	211	0.84	-15.7
95	North Rhine-Westphalia	Köln II	231.8	0.93	-7.3
96	North Rhine-Westphalia	Köln III	218.8	0.87	-12.5
97	North Rhine-Westphalia	Bonn	248.9	0.99	-0.5
98	North Rhine-Westphalia	Rhein-Sieg-Kreis I	270.8	1.08	8.2
99	North Rhine-Westphalia	Rhein-Sieg-Kreis II	250.3	1.00	0.1
100	North Rhine-Westphalia	Oberbergischer Kreis	262	1.05	4.7
101	North Rhine-Westphalia	Rheinisch-Bergischer Kreis	253	1.01	1.1
102	North Rhine-Westphalia	Leverkusen - Köln IV	253.3	1.01	1.3
103	North Rhine-Westphalia	Wuppertal I	268.3	1.07	7.2
104	North Rhine-Westphalia	Solingen - Remscheid - Wuppertal II	282.7	1.13	13.0
105	North Rhine-Westphalia	Mettmann I	243.3	0.97	-2.7
106	North Rhine-Westphalia	Mettmann II	203.6	0.81	-18.6
107	North Rhine-Westphalia	Düsseldorf I	243.3	0.97	-2.7
108	North Rhine-Westphalia	Düsseldorf II	226.3	0.90	-9.5
109	North Rhine-Westphalia	Neuss I	253.6	1.01	1.4
110	North Rhine-Westphalia	Mönchengladbach	234.7	0.94	-6.2

Ideal Seat (EDC calculation 2000): 250,167					
111	North Rhine-Westphalia	Krefeld I - Neuss II	245.9	0.98	-1.7
112	North Rhine-Westphalia	Viersen	275	1.10	9.9
113	North Rhine-Westphalia	Kleve	274.3	1.10	9.6
114	North Rhine-Westphalia	Wesel I	247.9	0.99	-0.9
115	North Rhine-Westphalia	Krefeld II - Wesel II	220.7	0.88	-11.8
116	North Rhine-Westphalia	Duisburg I	226.3	0.90	-9.5
117	North Rhine-Westphalia	Duisburg II	203.6	0.81	-18.6
118	North Rhine-Westphalia	Oberhausen - Wesel III	256.9	1.03	2.7
119	North Rhine-Westphalia	Mülheim - Essen I	239.9	0.96	-4.1
120	North Rhine-Westphalia	Essen II	212.2	0.85	-15.2
121	North Rhine-Westphalia	Essen III	236.6	0.95	-5.4
122	North Rhine-Westphalia	Recklinghausen I	210.3	0.84	-15.9
123	North Rhine-Westphalia	Recklinghausen II	239	0.96	-4.5
124	North Rhine-Westphalia	Gelsenkirchen	241.7	0.97	-3.4
125	North Rhine-Westphalia	Steinfurt I - Borken I	245.9	0.98	-1.7
126	North Rhine-Westphalia	Bottrop - Recklinghausen III	253.1	1.01	1.2
127	North Rhine-Westphalia	Borken II	237.6	0.95	-5.0
128	North Rhine-Westphalia	Coesfeld - Steinfurt II	227.1	0.91	-9.2
129	North Rhine-Westphalia	Steinfurt III	231	0.92	-7.7
130	North Rhine-Westphalia	Münster	244.5	0.98	-2.3
131	North Rhine-Westphalia	Warendorf	255.2	1.02	2.0
132	North Rhine-Westphalia	Gütersloh	300.8	1.20	20.2
133	North Rhine-Westphalia	Bielefeld	289.9	1.16	15.9
134	North Rhine-Westphalia	Herford - Minden-Lübbecke II	281.1	1.12	12.4
135	North Rhine-Westphalia	Minden-Lübbecke I	257.1	1.03	2.8
136	North Rhine-Westphalia	Lippe I	217.1	0.87	-13.2
137	North Rhine-Westphalia	Höxter - Lippe II	269.9	1.08	7.9
138	North Rhine-Westphalia	Paderborn	266.9	1.07	6.7
139	North Rhine-Westphalia	Hagen - Ennepe-Ruhr-Kreis I	271.7	1.09	8.6
140	North Rhine-Westphalia	Ennepe-Ruhr-Kreis II	224	0.90	-10.5
141	North Rhine-Westphalia	Bochum I	259.9	1.04	3.9
142	North Rhine-Westphalia	Herne - Bochum II	235.8	0.94	-5.7
143	North Rhine-Westphalia	Dortmund I	245	0.98	-2.1

Ideal Seat (EDC calculation 2000): 250,167					
144	North Rhine-Westphalia	Dortmund II	248.9	0.99	-0.5
145	North Rhine-Westphalia	Unna I	254.7	1.02	1.8
146	North Rhine-Westphalia	Hamm - Unna II	293.8	1.17	17.4
147	North Rhine-Westphalia	Soest	282.6	1.13	13.0
148	North Rhine-Westphalia	Hochsauerlandkreis	260.9	1.04	4.3
149	North Rhine-Westphalia	Siegen-Wittgenstein	270.7	1.08	8.2
150	North Rhine-Westphalia	Olpe - Märkischer Kreis I	264.6	1.06	5.8
151	North Rhine-Westphalia	Märkischer Kreis II	262.2	1.05	4.8
152	Saxony	Delitzsch - Torgau-Oschatz - Riesa	283.8	1.13	13.4
153	Saxony	Leipzig I	230.4	0.92	-7.9
154	Saxony	Leipzig II	238.2	0.95	-4.8
155	Saxony	Leipziger-Land - Muldentalkreis	286.4	1.14	14.5
156	Saxony	Kamenz - Hoyerswerda - Großenhain	270.2	1.08	8.0
157	Saxony	Löbau-Zittau - Görlitz - Niesky	259.7	1.04	3.8
158	Saxony	Bautzen - Weißwasser	219.3	0.88	-12.3
159	Saxony	Sächsische Schweiz - Weißeritzkreis	269.5	1.08	7.7
160	Saxony	Dresden I	259.7	1.04	3.8
161	Saxony	Dresden II - Meißen I	284	1.14	13.5
162	Saxony	Freiberg - Mittlerer Erzgebirgskreis	245.7	0.98	-1.8
163	Saxony	Döbeln - Mittweida - Meißen II	281.7	1.13	12.6
164	Saxony	Chemnitz	253.5	1.01	1.3
165	Saxony	Chemnitzer Land - Stollberg	234	0.94	-6.5
166	Saxony	Annaberg - Aue-Schwarzenberg	229.5	0.92	-8.3
167	Saxony	Zwickauer Land - Zwickau	236.8	0.95	-5.3
168	Saxony	Vogtland - Plauen	272.4	1.09	8.9
169	Hesse	Waldeck	240	0.96	-4.1
170	Hesse	Kassel	266.8	1.07	6.6
171	Hesse	Werra-Meißner - Hersfeld	235.1	0.94	-6.0
172	Hesse	Schwalm-Eder	243.9	0.97	-2.5
173	Hesse	Marburg	228.6	0.91	-8.6
174	Hesse	Lahn-Dill	260.9	1.04	4.3
175	Hesse	Gießen	275.3	1.10	10.0
176	Hesse	Fulda	292.6	1.17	17.0

Ideal Seat (EDC calculation 2000): 250,167					
177	Hesse	Hochtaunus	218.7	0.87	-12.6
178	Hesse	Wetterau	295	1.18	17.9
179	Hesse	Rheingau-Taunus - Limburg	264.5	1.06	5.7
180	Hesse	Wiesbaden	217	0.87	-13.3
181	Hesse	Hanau	292	1.17	16.7
182	Hesse	Main-Taunus	229	0.92	-8.5
183	Hesse	Frankfurt am Main I	235	0.94	-6.1
184	Hesse	Frankfurt am Main II	253.4	1.01	1.3
185	Hesse	Groß-Gerau	202.3	0.81	-19.1
186	Hesse	Offenbach	274.1	1.10	9.6
187	Hesse	Darmstadt	277	1.11	10.7
188	Hesse	Odenwald	283.3	1.13	13.2
189	Hesse	Bergstraße	237	0.95	-5.3
190	Thuringia	Eichsfeld - Nordhausen	210.7	0.84	-15.8
191	Thuringia	Eisenach - Wartburgkreis - Unstrut-Hainich-Kreis I	226.4	0.90	-9.5
192	Thuringia	Kyffhäuserkreis - Sömmerda - Unstrut-Hainich-Kreis II	254.1	1.02	1.6
193	Thuringia	Gotha - Ilm-Kreis	267	1.07	6.7
194	Thuringia	Erfurt	196.9	0.79	-21.3
195	Thuringia	Jena - Weimar - Weimarer Land	246.9	0.99	-1.3
196	Thuringia	Gera - Saale-Holzland-Kreis	205.8	0.82	-17.7
197	Thuringia	Greiz - Altenburger Land	237.9	0.95	-4.9
198	Thuringia	Sonneberg - Saalfeld-Rudolstadt - Saale-Orla-Kreis	297.5	1.19	18.9
199	Thuringia	Suhl - Schmalkalden-Meiningen - Hildburghausen	264.2	1.06	5.6
200	Rhineland-Palatinate	Neuwied	300.3	1.20	20.0
201	Rhineland-Palatinate	Ahrweiler	233.2	0.93	-6.8
202	Rhineland-Palatinate	Koblenz	235.5	0.94	-5.9
203	Rhineland-Palatinate	Mosel/Rhein-Hunsrück	219.9	0.88	-12.1
204	Rhineland-Palatinate	Kreuznach	231.2	0.92	-7.6
205	Rhineland-Palatinate	Bitburg	207	0.83	-17.3

Ideal Seat (EDC calculation 2000): 250,167					
206	Rhineland-Palatinate	Trier	222.6	0.89	-11.0
207	Rhineland-Palatinate	Montabaur	256.5	1.03	2.5
208	Rhineland-Palatinate	Mainz	276.9	1.11	10.7
209	Rhineland-Palatinate	Worms	238.7	0.95	-4.6
210	Rhineland-Palatinate	Ludwigshafen/Frankenthal	261.5	1.05	4.5
211	Rhineland-Palatinate	Neustadt - Speyer	262.8	1.05	5.0
212	Rhineland-Palatinate	Kaiserslautern	290.3	1.16	16.0
213	Rhineland-Palatinate	Pirmasens	230.9	0.92	-7.7
214	Rhineland-Palatinate	Südpfalz	251.9	1.01	0.7
215	Bavaria	Altötting	303.8	1.21	21.4
216	Bavaria	Freising	299.3	1.20	19.6
217	Bavaria	Fürstenfeldbruck	287.4	1.15	14.9
218	Bavaria	Ingolstadt	291.4	1.16	16.5
219	Bavaria	München-Nord	222.7	0.89	-11.0
220	Bavaria	München-Ost	239.7	0.96	-4.2
221	Bavaria	München-Süd	221.1	0.88	-11.6
222	Bavaria	München-West/Mitte	238.3	0.95	-4.7
223	Bavaria	München-Land	293.8	1.17	17.4
224	Bavaria	Rosenheim	266.8	1.07	6.6
225	Bavaria	Starnberg	299.7	1.20	19.8
226	Bavaria	Traunstein	250.7	1.00	0.2
227	Bavaria	Weilheim	293	1.17	17.1
228	Bavaria	Deggendorf	190.7	0.76	-23.8
229	Bavaria	Landshut	287.5	1.15	14.9
230	Bavaria	Passau	224.7	0.90	-10.2
231	Bavaria	Rottal-Inn	197	0.79	-21.3
232	Bavaria	Straubing	209.3	0.84	-16.3
233	Bavaria	Amberg	265.7	1.06	6.2
234	Bavaria	Regensburg	279.6	1.12	11.8
235	Bavaria	Schwandorf	265.3	1.06	6.0
236	Bavaria	Weiden	216.3	0.86	-13.5
237	Bavaria	Bamberg	211.1	0.84	-15.6
238	Bavaria	Bayreuth	199.4	0.80	-20.3

Ideal Seat (EDC calculation 2000): 250,167					
239	Bavaria	Coburg	201.2	0.80	-19.6
240	Bavaria	Hof	231.2	0.92	-7.6
241	Bavaria	Kulmbach	212.6	0.85	-15.0
242	Bavaria	Ansbach	298.3	1.19	19.2
243	Bavaria	Erlangen	206.9	0.83	-17.3
244	Bavaria	Fürth	295.1	1.18	18.0
245	Bavaria	Nürnberg-Nord	212	0.85	-15.3
246	Bavaria	Nürnberg-Süd	220.7	0.88	-11.8
247	Bavaria	Roth	272.9	1.09	9.1
248	Bavaria	Aschaffenburg	218.7	0.87	-12.6
249	Bavaria	Bad Kissingen	276.6	1.11	10.6
250	Bavaria	Main-Spessart	241.8	0.97	-3.3
251	Bavaria	Schweinfurt	242.5	0.97	-3.1
252	Bavaria	Würzburg	264.5	1.06	5.7
253	Bavaria	Augsburg-Stadt	233.4	0.93	-6.7
254	Bavaria	Augsburg-Land	294.9	1.18	17.9
255	Bavaria	Donau-Ries	224.5	0.90	-10.3
256	Bavaria	Neu-Ulm	281.3	1.12	12.4
257	Bavaria	Oberallgäu	258.1	1.03	3.2
258	Bavaria	Ostallgäu	289.9	1.16	15.9
259	Baden-Wurttemberg	Stuttgart I	217.2	0.87	-13.2
260	Baden-Wurttemberg	Stuttgart II	222.5	0.89	-11.1
261	Baden-Wurttemberg	Böblingen	301.8	1.21	20.6
262	Baden-Wurttemberg	Esslingen	193.3	0.77	-22.7
263	Baden-Wurttemberg	Nürtingen	229.5	0.92	-8.3
264	Baden-Wurttemberg	Göppingen	219.9	0.88	-12.1
265	Baden-Wurttemberg	Waiblingen	262.3	1.05	4.8
266	Baden-Wurttemberg	Ludwigsburg	241.1	0.96	-3.6
267	Baden-Wurttemberg	Neckar-Zaber	251.9	1.01	0.7
268	Baden-Wurttemberg	Heilbronn	298.3	1.19	19.2
269	Baden-Wurttemberg	Schwäbisch Hall - Hohenlohe	270.9	1.08	8.3
270	Baden-Wurttemberg	Backnang - Schwäbisch Gmünd	215.4	0.86	-13.9
271	Baden-Wurttemberg	Aalen - Heidenheim	280	1.12	11.9

Ideal Seat (EDC calculation 2000): 250,167					
272	Baden-Wurttemberg	Karlsruhe-Stadt	237.9	0.95	-4.9
273	Baden-Wurttemberg	Karlsruhe-Land	247	0.99	-1.3
274	Baden-Wurttemberg	Rastatt	250.8	1.00	0.3
275	Baden-Wurttemberg	Heidelberg	255.1	1.02	2.0
276	Baden-Wurttemberg	Mannheim	241.2	0.96	-3.6
277	Baden-Wurttemberg	Odenwald - Tauber	268.3	1.07	7.2
278	Baden-Wurttemberg	Rhein-Neckar	233.9	0.93	-6.5
279	Baden-Wurttemberg	Bruchsal - Schwetzingen	226.3	0.90	-9.5
280	Baden-Wurttemberg	Pforzheim	268.1	1.07	7.2
281	Baden-Wurttemberg	Calw	248.9	0.99	-0.5
282	Baden-Wurttemberg	Freiburg	250.7	1.00	0.2
283	Baden-Wurttemberg	Lörrach - Müllheim	266.4	1.06	6.5
284	Baden-Wurttemberg	Emmendingen - Lahr	253.4	1.01	1.3
285	Baden-Wurttemberg	Offenburg	244.3	0.98	-2.3
286	Baden-Wurttemberg	Rottweil - Tuttlingen	246.5	0.99	-1.5
287	Baden-Wurttemberg	Schwarzwald-Baar	204.9	0.82	-18.1
288	Baden-Wurttemberg	Konstanz	232.9	0.93	-6.9
289	Baden-Wurttemberg	Waldshut	218.8	0.87	-12.5
290	Baden-Wurttemberg	Reutlingen	240.2	0.96	-4.0
291	Baden-Wurttemberg	Tübingen	225.2	0.90	-10.0
292	Baden-Wurttemberg	Ulm	262.6	1.05	5.0
293	Baden-Wurttemberg	Biberach	290.6	1.16	16.2
294	Baden-Wurttemberg	Ravensburg - Bodensee	291.1	1.16	16.4
295	Baden-Wurttemberg	Zollernalb - Sigmaringen	261.4	1.04	4.5
296	Saarland	Saarbrücken	251.1	1.00	0.4
297	Saarland	Saarlouis	258.8	1.03	3.5
298	Saarland	Sankt Wendel	224.2	0.90	-10.4
299	Saarland	Homburg	249	1.00	-0.5

Chapter 10

Case Study: Kosovo

Dr. Lisa Handley
January 2004

Case Study: Kosovo

Delimiting Electoral Districts for a Proportional Representation Electoral System

Dr. Lisa Handley • January 2004

A number of Kosovar political leaders have urged the subdivision of Kosovo into electoral districts for the purpose of central elections. The current electoral system is a closed List Proportional Representation (PR) system with a single Kosovo-wide constituency. Reformers would like to retain the List PR system, but would like to see an open party list instituted in Kosovo and, in conjunction with this, the delimitation of electoral districts.[139]

Delimiting electoral districts is both a technically feasible and, particularly if an open party list is adopted, a desirable modification to the current electoral system in Kosovo. Delimiting districts would serve a number of commendable purposes: it would democratize the election process by decentralizing power within the political parties; it would provide geographic representation for many currently neglected areas of Kosovo; it would improve the accountability of representatives to their constituency voters; and it may decrease voter apathy and increase voter participation in Kosovo. But altering the electoral system to include the delimitation of electoral districts is not a decision to be taken lightly, and it is a decision that must be made well before – preferably at least six months before – the scheduled Election Day.

Electoral Systems that Delimit Constituencies

Traditionally, electoral systems have been categorized into three groups: plurality systems, majority systems, and proportional representation systems.[140] The most important element that differentiates these electoral systems from one another is the means by which seats in the legislature are allocated:

1. To candidates receiving a plurality of the vote,
2. To candidates obtaining a majority of the vote, and
3. Proportionally on the basis of votes cast for political parties or candidates, respectively. A recent addition to these three categories is the mixed electoral system, which combines elements of both proportional representation and plurality or majority voting systems.

[139] An open party list would be quite cumbersome to manage with 100 Kosovo-wide seats to fill; with districts in place the number of seats to fill within each district would probably be one-fifth to one-seventh that size, depending on the number and configuration of the districts employed.

[140] There are at least two other electoral systems that cannot be classified as plurality, majority, proportional, or mixed. These two systems, sometimes been referred to as "semi-proportional," are the Single Non-Transferable Vote (SNTV) and Limited Vote (LV) Systems. In an SNTV system each elector has one vote but there are several seats in the constituency to be filled, and the candidates with the highest number of votes fill these positions. This system is used in Jordan and Vanuatu (and was used in Japan until 1993). A LV system is similar to SNTV, except that voters are permitted to cast more than one vote – but fewer votes than there are seats to be filled. This system is used in the Spanish upper house and in Gibraltar.

The significance of the delimitation process varies depending on the type of electoral system. Because most plurality and majority systems require the adoption of single-member districts and because these systems can produce disproportional election results, the delimitation process, and the decision as to which districting plan to adopt, is quite important. Although somewhat less important in the context of proportional representation systems, it is still essential that the decision on whether or not to delimit districts, and the process by which the delimitation might be accomplished, be given careful consideration.

Plurality and Majority Systems

The delimitation of electoral districts is most commonly associated with plurality and majority electoral systems. Both systems tend to rely heavily, if not exclusively, on single-member electoral districts. These districts must be redrawn periodically to reflect shifts in the population.

Because of their reliance on single-member districts, the number of seats that a political party receives in these systems depends not only on the proportion of votes it received, but also on where those votes were cast. Under plurality and majority systems, minority political parties whose supporters are not geographically concentrated usually obtain fewer seats than their proportion of the vote would suggest they are entitled.[141]

The major advantages associated with plurality and majority systems are that

1. They are usually quite simple to understand;

[141] There are four electoral systems commonly identified as plurality or majority systems: First-Past-the-Post (FPTP), Block Vote (BV), Alternative Vote (AV) and Two-Round System (TRS).

First-Past-the-Post (FPTP): elections are held in single-member constituencies, and the winner is the candidate with the most votes, but not necessarily an absolute majority of the votes. Countries that use this system include the United States, Great Britain, Canada, India and many countries that were once part of the British Empire.

***Block Vote (BV)*:** this system is an application of FPTP in multimember rather than single-member constituencies. Voters have as many votes as there are seats to be filled, and the candidates with the highest number of votes fill the positions regardless of the percentage of the vote they actually receive. This system is used in some parts of Asia and the Middle East.

***Alternative Vote (AV)*:** in this system, electors rank the candidates in order of choice. If no candidate has over 50 percent of first-preferences, lower order preference votes are transferred until a majority winner emerges. This system is used in Australia and some other South Pacific countries.

***Two Round System (TRS)*:** has two rounds of voting, often a week or two weeks apart. The first round is the same as a FPTP election and, if a candidate receives an absolute majority in this round, then this candidate is elected outright. If, however, no candidate has received an absolute majority, then a second round of voting (with a more limited number of candidates) is conducted, and the winner of this round is declared elected. This system is widely used in France, many former French colonies, and some parts of the former Soviet Union.

2. They offer voters a clearly identifiable representative (beholden to a specific geographic area) that can be held accountable and can be called on to provide information and services; and
3. They foster one-party government that can, in certain instances, enhance the opportunity for a stable and decisive government.

The primary disadvantage of these systems is that they can produce disproportional election results; a party with a small majority of the votes may win a disproportionately large number of legislative seats. Furthermore, smaller political parties and minority groups do not fare particularly well under these systems.

Proportional Representation Systems

There are three major types of proportional representation systems: the List PR system, the Mixed Member Proportional (MMP) system and the Single Transferable Vote (STV) system. The MMP system, because it is a “mixed” system, will be discussed under the "mixed system" section below.

List PR This system is the most common PR system. Under the List PR system, if electoral districts are employed, they are relatively large multimember districts with boundaries that generally correspond to administrative divisions. To accommodate shifts in population, the number of seats allocated to individual constituencies is varied rather than redrawing the boundaries of the districts. List PR requires each party to present a list of candidates to the electorate. Electors vote for a party (or, in the case of an open list, for candidates within a certain party); parties receive seats in proportion to their overall share of the national vote. This system is widely used in continental Europe and Latin America. A closed list PR system, with a single constituency, is the electoral system currently in place in Kosovo.

Single Transferable Vote (STV) System This system, used in Ireland and Malta, is another type of proportional representation system. Under an STV system, voters are required to rank candidates in order of preference in the same manner as the Alternative Vote. After the first-place preferences are tallied, a “quota” of votes is established, which a candidate must achieve to be elected. Any candidate who has more first preferences than the quota is immediately elected. If no one has achieved the quota, the candidate with the lowest number of first-preferences is eliminated, and their second preferences are redistributed among remaining candidates. Because voting is on the basis of candidates, not parties, these countries employ small multimember districts with only three to five members elected per district. (This makes the choices on the ballot far more manageable.) Electoral district boundaries must be redrawn periodically.

The strongest argument in favor of PR systems in general is that these systems avoid the anomalous election results of plurality and majority systems and facilitate a more representative legislature. For many newly emerging and transitional democracies, particularly those that face deep societal divisions, the inclusion of all significant groups in the parliament is an essential condition for democratic consolidation. Other advantages include:

- These systems make it more likely that representatives from minority groups (and women) will be elected.

- Few wasted votes are cast in proportional systems. Almost all votes cast within a PR system go towards electing a candidate of choice, increasing voters' perceptions that it is worth making a trip to the polls.
- Power sharing between parties and interest groups is more visible under these systems.

Some disadvantages of PR systems are:

- PR systems usually lead to coalition governments, which can lead to legislative gridlock and the inability to carry out coherent policies.
- Some PR systems do not provide a strong linkage between a representative and his or her electorate. (This is not true of an MMP system, however.)
- PR systems offer a platform for small extremist parties (unless a high threshold is set for obtaining a seat in parliament).
- Some PR systems are criticized for leaving too much power in the hands of senior party officials (i.e., a candidate's position on the party list, and therefore his or her likelihood of success, is often dependent on one or two party leaders). This is particularly true of a national closed-list PR system.

Mixed Electoral Systems Mixed electoral systems are becoming increasingly popular. They are called "mixed" because they employ both party list proportional representation and single-member (or small multimember) electoral districts, often with plurality or majority vote requirements.

Because mixed systems incorporate districts, delimitation must occur periodically in order to ensure electoral districts that are relatively equal in population. The importance of the delimitation process and the influence that district configurations have on the outcome of elections is dependent on whether the party list seats are used to correct any distortions in the relationship between votes cast to seats won produced by the single-member districts.

In countries such as Germany and New Zealand, seats allocated under the party list component of the system are used to compensate for any distortions in the seats-to-votes ratio produced at the electoral district level.[142] Mixed systems that use party list seats in a compensatory manner are referred to as "Mixed Member Proportional" systems because the election results are proportional. (This system is used not only in Germany and New Zealand, but in Bolivia, Mexico, Venezuela, Hungary, and a number of other countries as well.)

In countries such as Russia, the party list seats are not used to compensate for any disproportionality arising from elections in single-member districts. Instead, seats allocated to the parties under the party list component of the election are simply added to the seats won at the electoral district level. The partisan seats-to-votes ratio may therefore be distorted. In this type of mixed system, sometimes called a "parallel" system, the district delimitation process is more important because it can have a more

[142] For example, if a political party were to win 55% of the total vote cast in a parliamentary election but win only 45% of the constituency seats, compensatory seats would be allocated to the party such that the percentage of seats held by that party would total 55% of the assembly seats overall.

pronounced effect on the partisan composition of the legislature. (Parallel systems are used in Russia, Japan, South Korea, Thailand and the Philippines, as well as other countries.)

Reforming the Electoral System in Kosovo There is no perfect electoral system; major design criteria often conflict with each other or are even mutually exclusive. For example, increasing the number of seats assigned to each constituency will enhance proportionality ("representativeness") but will reduce the geographic link between a representative and his or her constituency ("accountability"). Careful consideration must be given to prioritizing the criteria that are most important in a given political context.

Comparative electoral experience suggests that the most important electoral requirement for transitional elections, particularly in a post-conflict situation like that of Kosovo, is a system that maximizes inclusiveness and is clearly fair to all parties. This goal is best achieved by a PR electoral system; no doubt this was the reason that a PR system was adopted in Kosovo. However, since its inception, some political leaders in Kosovo have advocated a change in the electoral system in Kosovo – a change that would not necessarily jeopardize the proportionality of the election results but would, at least in the opinion of many Kosovars, enhance the "democratic nature" of the election process in Kosovo.

The current electoral system is a closed list PR system with a single Kosovo-wide constituency. Reformers would like to see an open party list instituted in Kosovo and, in conjunction with this, the delimitation of electoral districts. (An open party list would be quite cumbersome to manage with 100 Kosovo-wide seats to fill; but with districts in place, the number of seats to fill within each district would probably be one-fifth to one-seventh that size, depending on the number and configuration of the districts employed.)

According to one prominent political leader, delimiting districts and opening the party list in Kosovo would:[143]

- democratize the election process by decentralizing power within the political parties;
- provide geographic representation for many areas of Kosovo currently unrepresented;
- improve the accountability of representatives to their constituency voters; and
- decrease voter apathy and increase voter participation.

These sentiments were echoed by leaders of Reform 2004, an association of well over 200 local non-governmental organizations (NGOs) in Kosovo.[144] The electoral system advocated by Reform 2004 is a variant of an MMP system, with seven multimember districts and 30 compensatory seats to ensure proportional representation.

[143] Adnan Merovci, CEO of the Central Election Commission, in an interview with the author of this report on 5 February 2004.

[144] This statement is based on the author's interview (3 February 2004) with Leon Malazogu of KIPRED (Kosovo Institute for Policy Research and Development) and Burim Ejupi of The Forum, representatives of the two largest NGOs in Kosovo and leaders within Reform 2004.

Representatives from the seven multimember districts would be elected via an open party list.

Regardless of what type of electoral system is chosen in Kosovo, assuming some system other than the current system (a single-constituency List PR system) is adopted, some delimitation of districts will be required. Although the size of the geographic area encompassed by the electoral constituency will vary depending on the type of electoral system (for example, regional list PR could adopt four or five large regions as the electoral constituencies, while an MMP system would probably require smaller constituencies), some delimitation will almost certainly be necessary. This delimitation could be as simple as adopting existing administrative boundaries (such as the current UNMIK regions) and then allocating parliamentary seats to these constituencies on the basis of population; or it could be as complex as drawing new electoral constituency lines specifically for election purposes.

Advantages and Disadvantages of Delimiting Districts

The major advantage of a change to a districted system (from a single-constituency system) is that districts link elected representatives to a smaller, geographically-defined, constituency. This allows voters to hold representatives accountable – voting them out of office if they do not act in accordance to voters' wishes and returning them to office if they do. A geographic link also facilitates the exchange of information between voters and their representatives and promotes community services on behalf of constituents.

Another advantage to districts (assuming candidates are required to reside in the districts they represent) is that they ensure geographic diversity in the assembly. Of course, geographic diversity could also be mandated in a closed list PR system by establishing geographical distribution requirements on the candidate list, but this can be cumbersome, especially if there are already requirements for gender diversity or other forms of diversity placed on the list. It is even more cumbersome, perhaps even impossible, with an open list.

Districts would also permit the use of an open party list – something that is quite difficult, if not impossible, with a single constituency because the size of the candidate list would be unmanageable.

The most common argument against delimitation is that a districted system produces less proportional election results. This is not necessarily the case, however – an MMP system, for example, produces proportional election results (at least if enough compensatory seats are established).

Opponents of districting have argued that delimiting districts is a contentious and difficult process. Although drawing districts can be a contentious process (it is quite polarizing in the United States, for example), it does not have to be. Even in plurality or majority systems dependent entirely on single-member districts, the process can be quite routine and subject to little controversy. (This is true, in fact, of most countries that redistrict.) Moreover, in MMP systems like Germany and New Zealand, the process does not even register on the political radar. Delimitation need not be difficult, either; for example, if seats are simply allocated to already existing administrative units, the process can be managed quickly with little effort or resources required.

Delimitation may require an additional step in the voter verification process (potential residents will have to prove residence not just within the country, but within a specific district); it can also complicate absentee voting procedures and candidate eligibility verification. (On the other hand, if local elections have been incorporated into the election process and local administrative boundaries are not breached by electoral district lines, then it is not true that an additional step would be required.) Adding a district component may also make the ballot more complex by requiring two ballots rather than one. However, this problem can be alleviated with a single ballot MMP system.

A final drawback to delimiting districts, depending on the type of electoral system in which the districts are employed, is that the districting component may make the vote counting process more complex. While this is not true of most plurality and majority systems, it is true of mixed systems.

The Delimitation Process in Kosovo

Kosovo used a single-constituency closed list PR system for the assembly elections held in 2001.[145] A number of political leaders and local NGOs are advocating a change in this system for the upcoming (and future) central elections. Of primary interest to these reformers is the institution of an open party list. However, because a Kosovo-wide single constituency would make an open ballot quite unrealistic, electoral districts have been also been promoted. Electoral districts offer the added advantages of guaranteeing geographic diversity and forging a closer link between voters and their representatives.

Two alternative approaches exist for delimiting electoral boundaries in Kosovo:

- Existing administrative boundaries can be used for electoral purposes.
- Electoral constituencies can be drawn that are unique (and separate from the administrative structure).

The latter option would involve a great many resources, and would be a time-consuming and labor-intensive endeavor. This would not be the case, however, if existing administrative units are used for electoral constituencies.

Current Administrative Units Used as Electoral Constituencies

There are several different sets of administrative units in existence in Kosovo:

- The five UNMIK regions
- The seven regions used by the Statistical Institute to collect and report data
- The seven telephone exchanges (all identified with specific municipalities)

[145] The Kosovo-wide district was used to elect 100 representatives from a general closed party list and 20 representatives from lists reserved for Kosovo's smaller communities: ten seats to Kosova Serbs, four to the Roma, Ashkali and Egyptian community, three to the Bosnian Community, two to the Turkish Community and one to the Gorani community.

- The 30 municipalities across Kosovo

Co-opting administrative units for use as electoral constituencies offers several important advantages:

- Using already existing boundaries would negate the need to draw an entirely new set of electoral boundaries (which would be an extremely expensive and time consuming task).
- Using existing administrative units would mean that election administrators and voters would already be familiar with the electoral district boundaries.
- There is population data associated with these existing administrative units, making the exercise of allocating seats to constituencies easier, and more accurate, than would otherwise be the case.

On the other hand, there is at least one disadvantage associated with the use of existing administrative boundaries: the administrative units were not necessarily designed to encompass communities of interest, and could conceivably cut across ethnic lines and divide homogeneous groups that should be united in a single electoral constituency. In fact, in Kosovo, Serbian and other minority ethnic enclaves do not appear to cross municipal boundaries and therefore, so long as municipalities were assigned in their entirety to specific districts, minority ethnic communities of interest would not be divided by electoral district boundaries.

If the decision is reached to use current administrative units for electoral purposes, then the question remains as to which set of units to employ for electoral purposes. Of course, a large part of this decision is dependent on the type of electoral system adopted. For example, if a regional list PR system is selected, then the choice of administrative units is limited to the larger units (the five UNMIK regions, for example) since the electoral constituencies must be large enough to permit the allocation of several seats to each constituency. On the other hand, if an MMP system is adopted, then electoral constituencies could be smaller in size (i.e., perhaps as small as the municipalities).

The electoral system proposed by Reform 2004 includes seven electoral districts. While the districts in the current Reform 2004 proposal do not coincide exactly with either the seven regions defined by the Statistical Institute or the seven telephone exchange areas, this could easily be modified – and probably should be so that there is no question as to why certain municipalities have been assigned to certain districts.

Delimitation of New and Unique Electoral Constituencies

The delimitation of constituencies in Kosovo specifically for the purposes of the election of representatives to parliament would be an enormous undertaking both in terms of the time needed and the resources required. The process would involve a number of steps, including: (1) the construction of a delimitation database; (2) the creation of a districting plan by allocating territory to specific electoral districts; and (3) the evaluation of the proposed districting plan and the adoption of a final districting plan.

Construction of a Database Delimitation requires the collection of several different types of information. The two essential pieces of information are population data and

maps. The population data, which is typically in the form of census enumeration data or voter registration data, provide the only means of creating constituencies that are relatively equal in population. Maps are needed to ensure that only contiguous geographic population units are assigned to constituencies and that constituency boundaries do not divide communities of interest unnecessarily.

Formation of Electoral Constituencies Once a database has been prepared, the next step in the delimitation process is the formation of electoral constituencies. This is the step in which the line drawers create a districting plan by assigning geographic units such as towns and villages (or city blocks) to constituencies. A redistricting plan is complete when all geographic units in the jurisdiction have been assigned to specific constituencies and the required number of electoral districts has been created.

Evaluation of Redistricting Plan Once the boundary authority has successfully completed a redistricting plan, summary information for the plan should be produced in order to evaluate the plan. A summary description of a redistricting plan should include information such as the geographic components of each constituency, maps of the plan showing the constituency boundaries, and a report summarizing the most relevant statistical information for each constituency in the plan.

This information should allow the boundary authority, political parties, legislators and governmental officials, citizens, and other interested stakeholders to evaluate the proposed redistricting plan according to established criteria. Public hearings may be held to solicit the comments of these stakeholders. After the solicitation process has been completed, the authority in charge of delimitation should endeavor to take these comments into account, and modify the redistricting plan accordingly.

The final stage of the process is the adoption of the new redistricting plan. Provisions for how this is accomplished should be described quite explicitly in the electoral law. In fact, the entire process (who should draw the constituencies, what criteria should be followed, etc.) should be mapped out as clearly as possible beforehand to guide authorities in charge of the process.

Conclusion It is not technically feasible (given the lack of sufficiently refined data and the current time constraints) for the delimitation of a unique set of electoral districts (especially single-member districts) for the 2004 central election. Furthermore, the delimitation of unique electoral districts could well prove a political nightmare in future elections and is not recommended for Kosovo.

Delimiting Districts in Kosovo for the 2004 Central Elections

If electoral districts are to be adopted for the 2004 central elections, these districts should be based on current administrative district lines. The basis for this assertion is at least threefold:

- The existing population data (voter registration data) is insufficiently refined for the delimitation of unique electoral district boundaries (at least boundaries that cross municipal boundaries).
- The risk of political tensions arising during an active delimitation exercise is certainly not minimal, and therefore the delimitation of a unique set of electoral districts is best avoided.

- There is not enough time at this point (mid-February) in the election calendar to engage in a detailed delimitation exercise.

However, there *is* sufficient information – and enough time – at this point to modify the electoral system to include electoral districts if these districts coincide with currently existing administrative boundaries.

Although the OSCE outlined a number of objections to changing the electoral system, they did concede that districting prior to the upcoming October 2004 elections was still "technically feasible."[146] Some of the arguments offered by OSCE for not districting in Kosovo, and the reasons why these objections are not necessarily well-founded, are as follows:

- ***Districts could lead to less proportional election results*** While it is true that single-member districts could result in less than proportional election results, the electoral system proposed by Reform 2004, for example, would be no less proportional than the current Kosovo-wide List PR system. And this is true of any MMP or regional List PR electoral system that incorporates districts.
- ***Existing data is insufficient for ensuring districts of equal size*** Although no accurate census data exists,[147] there is up-to-date voter registration data that can be used to allocate seats to electoral districts. Voter registration data is, in fact, quite often used for this purpose.[148]
- ***Districts require complicated procedures for voter eligibility and for absentee voter assignment*** Since the voter registration process must already take into account voter residence for municipal elections, so long as municipal boundaries are not crossed by electoral districts lines (i.e., municipalities are allocated intact to a single electoral district), voter eligibility and absentee voter assignment will not be affected by the introduction of electoral districts.
- ***Ballot creation and distribution would be more complicated*** It is true that the single party ballot would have to be supplemented with five to seven additional ballots (one for each district) and that all of these ballots would have to be distributed across districts. But this is still far less cumbersome than the ballot production process required for open list municipal elections in 2000.
- ***Vote count would be more complex*** The vote count would, in fact, be more complex. With sufficient notice, however, training could commence on

[146] Interview conducted by the author with Lars Lagergren and Dennis Ennis, OSCE Division of Election Operations, 4 February 2004.

[147] Although a decennial census was routinely conducted until 1991, in 1991 Albanians in Kosovo boycotted the enumeration process (and the Yugoslavian government manufactured population estimates for Kosovo). No census has been undertaken in Kosovo since then, although plans for a census are currently before the SRSG.

[148] Almost half of the countries surveyed by the Epic Project use voter registration data for districting purposes. A list of these countries include: Albania, Armenia, Australia, Barbados, Bahamas, United Kingdom, Croatia, Iceland, Namibia, Slovakia, Ukraine, and Zimbabwe. (See the EPIC Project, a joint IFES, International IDEA and UN project that can be found at www.epicproject.org.)

the vote count process and there is no reason to believe that Kosovars would be any less successful than, for example, Hungarians or citizens of any other transitional democracy with an MMP system, in counting the ballots correctly.

- ***Election would be more expensive*** It is true that the election would be somewhat more expensive to administer. But the trade-off would be a more "democratic" election – one that Kosovars may well be more willing to claim ownership of and participate in.

The OSCE also indicated that the administrative approval process within OSCE and UNMIK is time-consuming and may not be completed in time to institute districts prior to the upcoming election.

Choosing a Districting Plan and Allocating Seats

The following administrative boundaries have been identified as reasonable prospects for electoral district boundaries:

- The five UNMIK regions
- The seven Statistical Institute regions
- The seven telephone exchange regions

The 30 municipalities were rejected as a possibility because some municipalities are too small in population to be accorded their own representative – a political decision would have to be made whether to allocate these municipalities a representative regardless or to combine these municipalities with other municipalities to meet the electoral quotient.

Once a districting plan has been selected, parliamentary seats must be allocated to each of the electoral districts within the plan. The allocation process (also referred to as apportionment) is almost always based on population data, usually in the form of census enumeration data or voter registration data.[149]

This phase of the delimitation process is relatively mechanical, although the decision as to what formula to use for apportioning seats to districts can be a controversial one. Depending on the size of the administrative units chosen to serve as electoral districts, it is also possible that some units (i.e., small municipalities) will have to be combined if districts of relatively equal population are to be created and the electoral quotient is higher than the population of a number of these units.

A series of simulations were conducting using the three possible delimitation plans identified above. The 2003 voter registration data was used to determine the seat

[149] The choice of whether to use census data or voter registration data may be guided by either practical or theoretical concerns. For instance, census data may not be the best option if a general enumeration of the population is unavailable, outdated or inaccurate (as is the case in Kosovo). On the other hand, registration data may not adequate for redistricting purposes if it fails to include information that is essential given the specific country context. From a theoretical perspective, delimitation based on registration data is likely to produce districts that are more equal with respect to the number of voters contained within them, but a counter-argument could be made that representatives serve all persons, not simply voters.

allocation to each of the electoral districts in these plans.[150] The results of these simulations can be found in the Appendix. The table below summarizes the results of the seat allocation exercise:

Table 10.1: 2003 Seat Allocation Exercise

	UNMIK Districts	Telephone Exchange Districts	Statistical Institute Districts
Number of Districts	5	7	7
Range in Seat Allocation	9 to 19	6 to 18	7 to 18
Maximum Deviation	4.9%	4.9%	4.9%
Minimum Deviation	-2.9%	-7.8%	-4.8%
Total Percent Deviation	7.8%	12.7%	9.7%

Delimitation Timeframe

The time required to delimit districts, and the cost associated with this endeavor, vary dramatically depending on how extensive the delimitation process is. If the system entails the drawing of an extensive and unique set of single-member constituencies, for example, the process can be quite expensive and time-consuming. On the other hand, if existing administrative units are used as constituencies, and legislative seats are simply allocated to these seats on the basis of population, then the delimitation process is straightforward, and not at all costly or time-consuming.

The delimitation of a restricted number of electoral districts (five to seven) that coincide with currently existing administrative regions will not require much in the way of additional time or resources. Assuming a fall Election Day, political parties (and potential candidates) will have to be informed of the change in the electoral system soon in order to prepare additional party lists and modify campaign operations – but certainly notification of such a change sometime in the spring of 2004 should be sufficient. A campaign to inform voters of the change need not begin until the summer of 2004. Ballot production will also be effected by the adoption of districts, but a decision to incorporate districts by mid-spring will not adversely affect the printing of ballots so long as the political parties are able to organize regional party lists in a timely manner. Finally,

[150] A model similar to Reform 2004's suggested electoral system is utilized for the simulation exercise. However, rather than using the proposed 140 seat legislative (which is not recommended as it would dilute the value of the 20 set-aside seats) the current 120 seat legislature is retained: 20 set-aside seats, 30 compensatory seats (as proposed by Reform 2004), and 70 seats allocated to multimember districts.

the vote count will be more complicated, but there is more than sufficient time if the decision is made in the spring to train vote counters.

Appendix A: Seat Allocation to Five UNMIK Region

MCODE	Albanian Name	Serbian Name	UNMIK Region	2003 Voter Registration		Seat Allocation	Electoral Quotient	Percent Deviation
4	Gjilan	Gnjilane	Gjilan	79,075				
7	Kacanik	Kacanik	Gjilan	30,337				
10	Kamenice	Kamenica	Gjilan	38,073				
14	Novoberde	Novo Brdo	Gjilan	2,769				
23	Shterpce	Strpce	Gjilan	10,179				
25	Ferizaj	Urosevac	Gjilan	76,350				
26	Viti	Vitina	Gjilan	38,085				
	Total			**274,868**	**14.6**	**15**	**18,324.5**	**-2.86**
11	Mitrovice	Mitrovica	Mitrovice	65,207				
12	Leposaviq	Leposavic	Mitrovice	13,607				
21	Skenderaj	Srbica	Mitrovice	36,923				
27	Vushtrri	Vucitrn	Mitrovice	49,264				
28	Zubin Potok	Zubin Potok	Mitrovice	5,845				
29	Zvecan	Zvecan	Mitrovice	7,245				
	Total			**178,091**	**9.4**	**9**	**19,787.9**	**4.90**
1	Decan	Decani	Peje	31,725				
2	Gjakove	Dakovica	Peje	72,641				
6	Istog	Istok	Peje	35,247				
8	Kline	Klina	Peje	31,915				
17	Peje	Pec	Peje	79,328				
	Total			**250,856**	**13.3**	**13**	**19,296.6**	**2.29**
3	Gllogovc	Glogovac	Prishtine	33,941				

MCODE	Albanian Name	Serbian Name	UNMIK Region	2003 Voter Registration		Seat Allocation	Electoral Quotient	Percent Deviation
9	Fushe Kosove	Kosovo Polje	Prishtine	24,081				
13	Lipjan	Lipljan	Prishtine	43,786				
15	Obiliq	Obilic	Prishtine	17,569				
18	Podujeve	Podujevo	Prishtine	60,362				
19	Prishtine	Pristina	Prishtine	155,234				
22	Shtime	Stimlje	Prishtine	17,426				
	Total			**352,399**	**18.7**	**19**	**18,547.3**	**-1.68**
5	Dragash	Dragas	Prizren	29,233				
16	Rahovec	Orahovac	Prizren	39,313				
20	Prizren	Prizren	Prizren	117,347				
24	Suhareke	Suva Reka	Prizren	45,681				
30	Malisheve	Malisevo	Prizren	32,693				
	Total			**264,267**	**14.0**	**14**	**18,876.2**	**0.06**
						70		
	Overall Total	**1320481**						
	Seats	**70**						
	Ideal quotient	**18864.0**				**Total Population Deviation: 7.76%**		

Appendix B: Seat Allocation to Seven Telephone Exchange Districts

MCODE	Albanian Name	Serbian Name	TEL Code	2003 Voter Registration		Seat Allocation	Electoral Quotient	Percent Deviation
7	Kacanik	Kacanik	Ferizaj	30,337				
22	Shtime	Stimlje	Ferizaj	17,426				
23	Shterpce	Strpce	Ferizaj	10,179				
25	Ferizaj	Urosevac	Ferizaj	76,350				
	Total			**134,292**	**7.1**	**7**	**19,184.6**	**1.7**
1	Decan	Decani	Gjakove	31,725				
2	Gjakove	Dakovica	Gjakove	72,641				
	Total			**104,366**	**5.5**	**6**	**17,394.3**	**-7.8**
4	Gjilan	Gnjilane	Gjilan	79,075				
10	Kamenice	Kamenica	Gjilan	38,073				
26	Viti	Vitina	Gjilan	38,085				
	Total			**155,233**	**8.2**	**8**	**19,404.1**	**2.9**
11	Mitrovice	Mitrovica	Mitrovice	65,207				
12	Leposaviq	Leposavic	Mitrovice	13,607				
21	Skenderaj	Srbica	Mitrovice	36,923				
27	Vushtrri	Vucitrn	Mitrovice	49,264				
28	Zubin Potok	Zubin Potok	Mitrovice	5,845				
29	Zvecan	Zvecan	Mitrovice	7,245				
	Total			**178,091**	**9.4**	**9**	**19,787.9**	**4.9**
6	Istog	Istok	Peje	35,247				
8	Kline	Klina	Peje	31,915				

MCODE	Albanian Name	Serbian Name	TEL Code	2003 Voter Registration		Seat Allocation	Electoral Quotient	Percent Deviation
17	Peje	Pec	Peje	79328				
	Total			**146,490**	**7.8**	**8**	**18,311.3**	**-2.9**
3	Gllogovc	Glogovac	Prishtine	33,941				
9	Fushe Kosove	Kosovo Polje	Prishtine	24,081				
13	Lipjan	Lipljan	Prishtine	43,786				
14	Novoberde	Novo Brdo	Prishtine	2,769				
15	Obiliq	Obilic	Prishtine	17,569				
18	Podujeve	Podujevo	Prishtine	60,362				
19	Prishtine	Pristina	Prishtine	155,234				
	Total			**337,742**	**17.9**	**18**	**18,763.4**	**-0.5**
5	Dragash	Dragas	Prizren	29,233				
16	Rahovec	Orahovac	Prizren	39,313				
20	Prizren	Prizren	Prizren	117,347				
24	Suhareke	Suva Reka	Prizren	45,681				
30	Malisheve	Malisevo	Prizren	32,693				
	Total			**264,267**	**14.0**	**14**	**18,876.2**	**0.1**
						70		
	Overall Total	**1320481**						
	Seats	**70**						
	Ideal quotient	**18864.0**				**Total Population Deviation: 12.7%**		

Appendix C: Seat Allocation to Seven Statistical Institution Regions

MCODE	Albanian Name	Serbian Name	Statistical Inst Region	2003 Voter Registration		Seat Allocation	Electoral Quotient	Percent Deviation
7	Kacanik	Kacanik	Ferizaj	30337				
22	Shtime	Stimlje	Ferizaj	17426				
23	Shterpce	Strpce	Ferizaj	10179				
25	Ferizaj	Urosevac	Ferizaj	76350				
	Total			**134292**	**7.1**	**7**	**19184.6**	**1.7**
1	Decan	Decani	Gjakove	31725				
2	Gjakove	Dakovica	Gjakove	72641				
16	Rahovec	Orahovac	Gjakove	39313				
	Total			**143679**	**7.6**	**8**	**17959.9**	**-4.8**
4	Gjilan	Gnjilane	Gjilan	79075				
10	Kamenice	Kamenica	Gjilan	38073				
26	Viti	Vitina	Gjilan	38085				
	Total			**155233**	**8.2**	**8**	**19404.1**	**2.9**
11	Mitrovice	Mitrovica	Mitrovice	65207				
12	Leposaviq	Leposavic	Mitrovice	13607				
21	Skenderaj	Srbica	Mitrovice	36923				
27	Vushtrri	Vucitrn	Mitrovice	49264				
28	Zubin Potok	Zubin Potok	Mitrovice	5845				
29	Zvecan	Zvecan	Mitrovice	7245				
	Total			**178091**	**9.4**	**9**	**19787.9**	**4.9**
6	Istog	Istok	Peje	35247				

MCODE	Albanian Name	Serbian Name	Statistical Inst Region	2003 Voter Registration		Seat Allocation	Electoral Quotient	Percent Deviation
8	Kline	Klina	Peje	31915				
17	Peje	Pec	Peje	79328				
	Total			**146490**	**7.8**	**8**	**18311.3**	**-2.9**
3	Gllogovc	Glogovac	Prishtine	33941				
9	Fushe Kosove	Kosovo Polje	Prishtine	24081				
13	Lipjan	Lipljan	Prishtine	43786				
14	Novoberde	Novo Brdo	Prishtine	2769				
15	Obiliq	Obilic	Prishtine	17569				
18	Podujeve	Podujevo	Prishtine	60362				
19	Prishtine	Pristina	Prishtine	155234				
	Total			**337742**	**17.9**	**18**	**18763.4**	**-0.5**
5	Dragash	Dragas	Prizren	29233				
20	Prizren	Prizren	Prizren	117347				
24	Suhareke	Suva Reka	Prizren	45681				
30	Malisheve	Malisevo	Prizren	32693				
	Total			**224954**	**11.9**	**12**	**18746.2**	**-0.6**
						70		
	Overall Total	**1320481**						
	Seats	**70**						
	Ideal quotient	**18864.0**				**Total Population Deviation: 9.7%**		

Chapter 11

Case Study: Malaysia

Dr. Jeremy Grace
January 2004

CASE STUDIES

Case Study: Malaysia

Malapportioned Districts and Over-Representation of Rural Communities

Dr. Jeremy Grace • January 2004

Malaysia utilizes a simple plurality First Past the Post (FPTP) electoral system modeled on the British Westminster System, with 219 single member constituencies (SMCs) used for electing representatives to the House of Representative. In the most recent elections of March 2004, the ruling coalition won 90 percent of the seats in the House (198 out of the 219) with only 60 percent of the national vote. Opposition parties lost more than half of their 45 seats in the election, winning only ten percent of the seats (20 seats) despite attracting nearly 40 percent of the votes nationwide.

Since independence, Malaysia has been governed by a coalition of political parties named the *Barisan Nasional* (BN).[151] While striving to promote the multi-ethnic nature of the coalition, true power resides with the dominant ethnic Malay party, the United Malays National Organization (UMNO). Other coalition members also represent specific ethnic groups but retain very little autonomy from UMNO. Parties outside the coalition have never captured more than 40 percent of the seats in Parliament and under the current electoral framework, they never will.

The BN's tight control over the election process has limited the ability of opposition parties to successfully contest elections. The Election Commission is seen as one of the primary instruments through which the BN has manipulated the election process for its own political gain.[152]

Electoral System

Malaysia is technically a monarchy, although the "Paramount Ruler" (*Yang di-Pertuan Agong*) is elected every five years by and from the hereditary rulers of nine Malay states and plays a very limited role in governing the country. At the national level, the federation has a bicameral legislature consisting of the Senate (*Dewan Negara*) and the House of Representatives (*Dewan Rakyat*). Of the 69 members of the Senate, 43 are appointed by the king, with the remaining 26 elected from the state legislatures. The Senate is generally considered little more than a rubber-stamp for legislation passed by the House of Representatives.

The House consists of 219 members (increased from 193 in 2003) elected from single member constituencies throughout Malaysia's thirteen states and three federal territories. The Federation of Malaysia utilizes a plurality first-past-the post electoral formula based

[151] Malaysia is a federation consisting of thirteen states and two federal territories. Eleven states and the federal territories are contiguously attached on the Malay Peninsula, and two additional states (Sabah and Sarawak) are on the Island of Borneo. These latter states joined the federation only in 1963 and are accorded special representation rights under their ascension agreements.

[152] US State Dept. 2003 Country Reports on Human Rights Practices: Malaysia, Annual Human Rights Report. Available at http://www.state.gov/www/global/human_rights/2002_hrp_report/malaysia.html, Internet; accessed March 2003.

on single-member constituencies. Elections are to be called at least once every five years and, since independence in 1957, elections have taken place every fifth year.

Legal Framework for Delimitation

The Election Law Malaysian elections are governed both by the constitution and by the "Elections Act of 1958," both of which are subject to frequent amendment. The Constitution stipulates the FPTP formula and establishes criteria for the Election Commission.

Election Commission Established in 1957, the Malaysian Election Commission is charged with conducting elections for the House of Representatives and state legislatures. The Commission is also charged with recommending changes to constituency boundaries, which are then implemented by the federal government. The Commission is also responsible for the planning and oversight of all of the technical aspects of voter registration and elections. It also acts as a judicial body, hearing grievances from both candidates and electors about any aspect of the election process.

The Commission originally consisted of three members, a chairman and two subordinates. In 1963 an additional member was added to represent the states of Sabah and Sarawak. In 1981, the post of Deputy Chairman was established, bringing the total number of members of the commission to five, where it remains today. All members are appointed by the Paramount Ruler in consultation with the Conference of Rulers, an unelected body consisting of the executives of each state. The five members may serve until the mandatory retirement age of sixty-five, and may be removed from office only by a special tribunal called by the Prime Minister. Members of Parliament may not serve on the Commission.[153]

The Election Commission is not a fully autonomous body. The Constitution stipulates, "so far as may be necessary for the purposes of its functions under this Article the Election Commission may make rules, but any such rules shall have effect subject to the provisions of federal law." Therefore, any provision created by the Commission can be reversed by a federal law. In addition, any recommendations for changes to constituency boundaries proposed by the Commission must first go to the Prime Minister, who may make alterations as he sees fit. The Prime Minister then submits the proposal to the House of Representatives, which then approves or disapproves of the delimitation plan.[154]

Criteria for Delimitation All criteria for the delimitation of electoral boundaries are contained in the Federal Constitution, as modified by periodic "Amendment Acts." Core principles related to districting criteria include:

1. Delimitation may not take place more frequently than once every eight years;

[153] *Constitution of Malaysia, Art 113(2)(i)* [online]. 1957. Malaysia; available from http://confinder.richmond.edu/local_malaysia.html; Internet; accessed January 2003.

[154] *Thirteenth Schedule of the Malaysian Constitution, Part II (8&9)* [online]. 1957. Malaysia; available from http://confinder.richmond.edu/local_malaysia.html; Internet; accessed January 2003.

2. No single delimitation exercise may take longer than two years to complete;
3. The recommendation of the Commission is submitted to the Prime Minister, who must then present it to the House of Representatives with or without amendment for a simple-majority vote.[155]

The core issue confronting the Malay election system is the constitutional provision guaranteeing over-representation of rural constituencies. This principle was a product of negotiations held between the British colonial authorities and the two main Malay independence movements during the 1950s. In 1953, the British established a 46-member committee of the Federal Legislative Council to make proposals for a post-independence electoral system. The Committee recommended equality of population across the SMC districts but qualified this proposal by including an exception for rural areas. Since ethnic Malays predominated in the rural areas and non-ethnic Malays resided primarily in the urban centers, this "rural weightage" effectively ensured Malay dominance of the political system.

The Committee report held that: "the number of inhabitants within each constituency should be approximately equal except that, having regard to the greater difficulty of contacting voters in the country districts and the other disadvantages facing rural constituencies, a measure of weightage … should be given to the rural constituencies."[156] The original 1957 Constitution contained a provision limiting the size discrepancy between any two districts to no more than 15 percent. This restriction, however, has since been eliminated by constitutional amendments in 1962 and 1973.[157]

Gerrymandering Districts to Benefit Ruling Party

Size Discrepancies in Districts One of the biggest complaints from the opposition has been that the ruling party, the BN, through electoral gerrymandering, has slowly eroded the principle of "one man, one vote." Districts that have traditionally demonstrated strong support for opposition parties often have disproportionately large populations when compared to those districts that have traditionally supported the BN. For example, Penang – a state where opposition parties have done very well in the past – averaged 50,838 voters per district; on the other hand, Perlis, which has typically supported the ruling party, averaged only 33,032 voters per district in 1990.[158]

Gerrymandering by the BN also appears to favor the native Malay population, traditionally strong supporters of the party, at the expense of the large Chinese and Indian minorities. The Malay population tends to live in more rural areas, whereas the

[155] Other principles include constituencies not crossing state boundaries, availability of administrative facilities for carrying out elections, size of constituencies, and the desire to avoid excessive changes to constituencies; these are to "as far as possible be taken into account." *Ibid*. Part I (2) (a-d).

[156] *Ibid*. Part I (2) (c).

[157] Hai, Lim Hong. 2000. *Electoral Politics in Malaysia: Managing Elections in a Plural Society* and *The Electoral Process* [online]. Malaysia; available from http://www.malaysia.net/aliran/hr/js10.html; Internet; accessed December 2003.

[158] Ibid.

Indian and Chinese tend to live in the urban centers. The delimitation exercise in 1994 created rural districts with much smaller populations than their urban counterparts. For example, the constituency of Hulu Rajang, a rural district with a large Malay population in Sarawak, has an electorate of 16,085 and sends one representative to the House; Ampang Jaya, an urban constituency near the capital, with an electorate of 98,954 also sends only one representative to the House.[159] While the constitution does allow for increased weightage to be given to rural constituencies, the elimination of the 15 percent limit by the BN has allowed for extremely large discrepancies.

2003 Delimitation Proposal The most recent round of electoral boundary delimitation, which took place in early 2003, sparked numerous complaints from opposition parties. In 2002, the BN asked the Electoral Commission to develop a new proposal for electoral boundaries to reflect changing population demographics. In response, the Commission developed a plan to create 25 new seats in the House of Representatives and 53 new state assembly seats. The House of Representatives subsequently approved the plan on April 8, 2003.

From the very beginning, opposition members opposed the plan, declaring it unconstitutional and claiming that, "the EC had not acted fairly and professionally in accordance with the principles of democracy."[160] In response, the BN proposed that all criticisms could be aired during the parliamentary debate on the proposal. As angry opposition party members publicly vented their frustration, however, the BN refused to address the issues raised and ended debate after just two days. Forty-four opposition members walked out just before the final vote to protest against both the proposal itself and the BN's abuse of parliamentary procedure.[161]

The DAP (Democratic Action Party) also raised a challenge against the plan under the Election Commission's grievance process. The Commission's chairman refused to hear the grievance, however, claiming that "although [the DAP] did submit a personal letter asking me to reconsider the State's proposal on the delineation, [it] could not come up with a counter proposal which can grant a representation to be made and enable the EC to conduct [a] local inquiry to hear and consider appeals or objections." The Commission effectively made it impossible for anyone to file objections to the plan unless they offered a full counter-proposal. The chairman of the Commission also refused to hear any objections filed on behalf of "an organization, political party, or certain communities."[162]

Changes in the 2003 Delimitation The delimitation proposal passed by Parliament created 25 new constituencies – most of which emerged out of districts that had

[159] Ranawana, Arjuna. 1999. "The Maps to Power: Anwar's Claims Fill the Court and the Media" [online]. *Asiaweek.com*. 5 November. Available from http://www.asiaweek.com/asiaweek/magazine/99/1105/nat.malaysia2.html: Internet; accessed December 2002.

[160] "EC Chief: Constituency Delineation Exercise Constitutional," *New Straights Times*, 6 March 2003, 2.

[161] "Parliament OK's re-Delineation of Electoral Boundaries," *Financial Times*, 8 April 2003, 4.

[162] "EC Chief: Constituency Delineation Exercise Constitutional." 2003. *New Straight Times*, 6 March, 2.

overwhelmingly supported the BN during the 1999 general election.[163] Many of the changes seem to blatantly ignore population trends. For example, the state of Selangor, with a population of 4.19 million and an annual growth rate of 6.1 percent since the 1991 census, received five new seats. Johor, however, with a population of 2.74 million and an annual growth rate of 2.6 percent, was granted six new seats. Given the much larger total population and the much higher growth rate, Selangor should have received more new constituencies than Johor. The reason for the inconsistency is obvious: In the 1998 election, the BN only won 54.8 percent of the popular vote in Selangor, whereas in Johor they won 75.2 percent of the vote.[164]

The 2003 delimitation produced the highest population variations of any previous delimitation exercise. For example, Johore Bahru now has an electorate of approximately 90,000 voters, while Lenggong has approximately 21,000 voters – a population variation of over 325 percent. The maximum population deviation created by the 1994 delimitation was 250 percent.[165]

Conclusion

Although Malaysian voters are generally free from overt forms of intimidation during the voting process, more subtle forms of manipulation by the ruling BN party has created a system that is less than fair for opposition parties. Evidence of defective voting rolls, manipulation of postal votes, instances of vote buying through promises of lavish government programs in certain constituencies, and manipulation of the Electoral Commission have helped to maintain the BN's control over the government.

The boundary delimitation process has been a primary tool in the BN's manipulation of the electoral process for several reasons:

- Elimination of constitutional safeguards protecting the independence of the EC: The original constitution contained a provision allowing no more than 15 percent deviation between constituency populations. Constitutional amendments have removed the 15 percent limit which, when coupled with the provision allowing for increase weight to be given to rural districts, have allowed for gross discrepancies in constituency populations.
- Lack of independence of the Election Commission: The Government appoints all members of the EC, and all recommendations made by the EC must pass through the Government in order to take effect. The BN has been

[163] Siang, Lim Kit. "DAP Will Challenge the Constitutionality of the 2002 Electoral Constituency Re-delineation Exercise." *DAP Media Statement*. Malaysia; available from http://www.malaysia.net/dap/lks1804.htm; Internet; accessed April 2003.

[164] Malaysian Department of Statistics. 2003. *Population Distribution and Basic Demographic Characteristics Report* [online]. Malaysia; available from http://www.statistics.gov.my/English/pressdemo.htm; Internet; accessed March 2003. Also, "Re-delineation Exercise in Sabah Based on Current Needs, Says EC" 2003. *Financial Times*, 4 April, 5. See also Appendix A for 1999 general election results and Appendix B for population figures.

[165] Siang, *op. cit*.

able to hastily push through delimitation proposals without serious debate in Parliament.

- The Election Commission's unresponsiveness to complaints: The commission has proven unwilling to answer grievances against delimitation plans brought by political parties or other groups. The difficulty in judicially challenging EC decisions, coupled with the questionable independence of the judiciary,[166] has allowed the Commission to avoid any serious challenges.

[166] US State Dept, 2002.

Appendix: Malaysia

Appendix A: Seats Won by State & Party in the 1999 General Elections[167]

State/Territory	Party							
	Total Seats	BN	PAS	ADIL	DAP	PBS	MDP	Other
Perlis	**3**	**3**	-	-	-	-	-	-
Kedah	**15**	**7**	**8**	-	-	-	-	-
Kelantan	**14**	**1**	**10**	**3**	-	-	-	-
Penang	**11**	**6**	-	**1**	**4**	-	-	-
Perak	**23**	**20**	**2**	**-**	**1**	-	-	-
Pahang	**11**	**11**	-	-	-	-	-	-
Selangor	**17**	**17**	-	-	-	-	-	-
Federal Territory	**11**	**7**	-	-	**4**	-	-	-
Negri Sembilan	**7**	**7**	-	-	-	-	-	-
Malacca	**5**	**4**	-	-	**1**	-	-	-
Johor	**20**	**20**	-	-	-	-	-	-
Terengganu	**8**	-	**7**	**1**	-	-	-	-
Sabah	**20**	**17**	-	-	-	**3**	-	-
Sarawak	**28**	**28**		-	-	-	-	-
TOTAL	**193**	**148**	**27**	**5**	**10**	**3**	**0**	**0**

** The BN won 148 out of 193 seats, but won only 56 percent of the popular vote.*

CASE STUDIES

[167] "Malaysian General Election 1999," available at http://www.sadec.com/Election/parliment.html.

Appendix B: Population by State[168] (in thousands)

State	1991	2001	2003
Perlis	184.1	198.3	214.5
Kedah	1,304.8	1,572.1	1,700.4
Kelantan	1,181.7	1,289.2	1,394.4
Terengganu	770.9	879.7	951.5
Penang	1,065.1	1,225.5	1,325.5
Perak	1,880.0	2,030.4	2,196.0
Pahang	1,036.7	1,231.2	1,331.6
Selangor	2,289.2	3,947.5	4,269.6
Negri Sembilan	691.2	830.1	897.8
Malacca	504.5	602.9	652.1
Johor	2,074.3	2,565.7	2,775.1
Sabah	173.6	2,449.4	2,649.2
Sarawak	1,648.2	2,012.6	2,176.8

[168] The World Gazetteer, available at http://www.world-gazetteer.com/fr/fr_my.htm.

Appendix C: Change in Seat Allocation, 1994 to 2002

Increase in the percentage and number of voters by state between the 1994 and the 2002 delimitation exercises and under- or over- allocation of seats by voters for each state in these two delimitation exercises.[169]

State	Voters in 1994	Voters in 2002	% Change	Difference	Over/ Under allocation in 1994	Over/Under allocation in 2002
Perlis	97,978	109,750	12.0%	11,772	1	1
Kedah	675,790	793,517	17.4%	117,727	1	-1
Kelantan	528,679	655,602	24.0%	126,923	3	1
Terengganu	337,918	411,453	21.8%	73,535	1	0
Penang	563,039	659,155	17.1%	96,116	-1	0
Perak	1,047,175	1,138,010	8.7%	90,835	1	2
Pahang	456,834	554,534	21.4%	97,700	1	3
Selangor	949,317	1,368,693	44.2%	419,376	-3	-5
Wilayah	591,806	664,233	12.2%	72,427	-3	-2
N. Sembilan	298,178	417,712	40.1%	119,534	1	0
Melaka	269,198	331,327	23.1%	62,129	-1	-1
Johor	982,484	1223,532	24.5%	241,048	-1	2
Total	6,798,396	8,327,518	22.5%	1,529,122		

[169] http://www.malaysia.net/aliran/monthly/2002/8f.html

Chapter 12

Case Study: New Zealand

Alan McRobie
February 2005

Case Study: New Zealand

Drawing Electoral Districts to Guarantee Minority Representation

Alan McRobie • February 2005

When New Zealand[170] adopted a new electoral system for parliamentary elections in 1993, the country retained its tradition of separate districts for the descendants of New Zealand's aboriginal Maori population. This unique electoral feature has guaranteed Maori representation in the New Zealand legislature for more than 125 years.

Electoral System

In 1993, New Zealand replaced its first-past-the-post (FFP) method of plurality voting in single-member districts with a German-style, mixed-member proportional (MMP) electoral system for elections to its single chamber legislature, the House of Representatives. As in other MMP systems, each voter cast two ballots: one for a representative elected by plurality from a single member electoral district and one for a national party list. Following the German compensatory principle, seats that parties win in districts will be subtracted from a party's list allocations, so each party's overall representation in Parliament will be proportional to the vote for its list.

The single-member districts consist of two types of constituencies – General and Maori. The dual-constituency feature can be visualized as a map with two overlays – one dividing New Zealand into numerous General electorates[171], the other apportioning the same territory into a smaller number of geographically larger Maori electorates. Members of Parliament (MPs) elected from both types of electorates serve in the chamber with equal rights and privileges.

Maori Representation

Maori representation was guaranteed though the establishment of separate Maori electorates as early as 1867. These electorates, separate and distinct from the General electoral districts, are drawn overlaying the General electoral districts. The three maps appended to the end of this case study, showing the 2002 electorates, illustrate this point: the first map shows the 46 General electoral districts covering the North Island; the second map shows the 16 General electoral districts covering the South Island; and the third map shows the seven Maori electoral districts covering both the North and South Islands. (See Appendix A.)

[170] This case study was written by Alan McRobie for the Administration and Cost of Elections (ACE) Project. It was updated by Lisa Handley, in large part based on a paper by Alan McRobie entitled "An Independent Commission with Political Input: New Zealand's Electoral Redistribution Practices" prepared for the conference "Redistricting from a Comparative Perspective" held at the University of California at Irvine, 6-8 December 2001. The website of Elections New Zealand (found at www.elections.org.nz) was also very useful in updating this case study.

[171] In New Zealand, the terms "electoral districts" and "electorates" are used interchangeably. These terms are the equivalent of "districts", "constituencies", and "ridings" as used by other countries.

Although separate Maori electorates were established only 13 years after New Zealand's first parliament met, the periodic review of their boundaries did not become the responsibility of the Representation Commission until 1983.[172] Even then, the number of Maori electoral districts remained fixed at four. It was not until the adoption of the MMP electoral system, in 1993, that it was determined that the number of Maori electoral districts should be calculated on exactly the same basis as the General electorates.

The number of Maori electoral districts largely depends on the number of Maori who choose, during the Maori Option period, to be registered on the Maori electoral roll. The Maori electoral option period begins shortly after the census is conducted, and continues for approximately four months. This option provides all Maori of voting age with an opportunity to declare which electoral roll, the Maori or the General, they wish to be registered. Once the option has ended, and the proportion of Maori electors opting for the General and Maori rolls is known, the Maori electoral population (MEP) can be calculated.

The Maori electoral option held during the latter half of 1994 resulted in a significant number of Maori opting to be registered on the Maori electoral roll, and the number of Maori electoral districts increased from four to five. The Maori options held before the 1998 and 2001 electoral distributions also led to increases in the number of Maori electorates: from five to six in 1998 and from six to seven in 2001.

Legal Framework for Redistribution

Electoral redistribution[173] in New Zealand has had several distinguishing characteristics in additional to the separate Maori districts; three of which are particularly important to the New Zealand redistribution process, and all three of which are protected by reserved provisions[174] of the 1993 Electoral Act:

- An independent commission is given sole responsibility for delimiting electoral boundaries. Once it publishes a final plan, that plan has the force of law and cannot be challenged.
- Redistributions must take place following every five yearly census.
- Electoral districts are based on total population and no electorate can vary by more than plus or minus five percent from the electoral quota.

Boundary Authority Redistributions are undertaken by an independent seven-member statutory body known as the Representation Commission. Four of the

[172] While the non-Maori electorates were redistributed frequently and at regular intervals by the Representation Commission, any changes in the boundaries of the Maori electorates were made by government proclamation, and this occurred only rarely.

[173] "Electoral redistribution" is the term used in New Zealand to describe the delimitation of electoral districts.

[174] No amendments can be made to a reserved provision unless 75% of all MPs or a majority of voters approves the change in a referendum.

members are ex officio (that is, they are members by virtue of the positions they hold within New Zealand's public service): the Surveyor-General, the Government Statistician, the Chief Electoral Officer, and the Chairperson of the Local Government Commission. Two members are appointed by the Governor-General, following nomination by parliament; one represents the party or parties in Government and the other represents the party or parties in Opposition. The seventh member of the Representation Commission is nominated by the other member of the Commission and is appointed by the Governor-General. This person serves as the chairperson. Since the present Commission was first constituted in 1956, the chairperson has always been a member of the judiciary.

There are six voting members of the Representation Commission; the Chairperson of the Local Government Commission, who is appointed by the government, is a non-voting member of the Commission. When the Commission redefines the Maori electorates, it is augmented by three additional members: the Chief Executive of the Ministry of Maori Development ex officio, and two additional members appointed by the Governor-General, each of whom must be Maori. One represents the party or parties in Government, and the other represents the party or parties in Opposition. These three members are included on the Commission to provide a Maori community of interest perspective.

The four ex officio members of the Commission provide expertise in the areas of topography and mapping, population distribution, electoral administration, and the relationship between proposed electoral district boundaries and local government boundaries. While the original intention was that the two "political" members would act largely as scrutineers to satisfy themselves and their parties that the redistribution process had been conducted fairly and with the established rules, in more recent years these members have become much more active participates in the process. They (or their appointed deputies) must both be present at a commission meeting before the quorum requirement is met, and both have votes to cast. The independent chairperson chairs commission meetings and contributes, at a minimum, such skills as an interpreter of the law and meeting facilitator.

The Representation Commission has no more than six months after it commences formal deliberations to publish its final redistribution plan. Once published, the decision has the force of law and cannot be challenged. While the High Court accepts that it has a responsibility to ensure that the Commission operates within the powers granted to it by parliament, because the Commission is a creature of statute, the High Court has held that it has no jurisdiction "to inquire into the merits of the decisions of the Commission adjusting electoral boundaries."

Frequency of Redistribution Redistributions are conducted every five years following the population census and the Maori Electoral Option. Since the length of the parliamentary term is restricted to a maximum of three years, each redistribution applies to, at most, two elections.

Census night (the first Tuesday in March of every fifth year) provides the trigger but the actual timing of the redistribution is dependent on when the next general election is scheduled. Redistributions must be completed within six months of the Commission's first formal meeting so when an election falls in the same year as a census, the

redistribution is delayed because there is insufficient time between the census and the last possible date that an election can be held for a redistribution to be completed.

Redistribution Criteria There is only one mandatory redistribution criterion: no electorate can vary more than plus or minus five percent from its appropriate electoral district quota. A further restraint, applying only to General electorates, is that no electorate can be constructed that is located partly in the North Island and partly in the South Island.[175]

Provided the electoral quota is met, the electoral boundaries are redrawn using the criteria that are outlined in Sections 35 (f) and 45 (6) of the 1993 Electoral Act. These criteria include taking account of:

- Existing boundaries of the electoral districts
- Communities of interest (including such factors as tribal affiliations for Maori electorates)
- Facilities of communications
- Topographical features
- Projected variations in electoral populations including anticipated changes such as large increases or decreased in the size of the population over the next five years

Of these criteria, no order of priority is specified. It would appear, however, that existing electoral boundaries may take precedence – certainly, an effort is made to modify the existing plan as little as possible given population constraints.[176] In the report issued by the 2001-2 Representation Commission, the Commission indicated that it "recognizes the importance of equality of representation thorough the life of the Electoral Districts (in the view of this Commission, probably through to 2007) and the desirability of changing existing boundaries as little as possible. The proposed boundaries published in November 2001 made greater use of the quota tolerance than did the commission in 1998 in order to meet these specific considerations while best balancing the other criteria of the Act."[177] Because of the strict tolerance limits of +/- five percent,[178] however,

[175] Outlying islands such as Stewart Island and the Chatham Islands are, however, included in one of the mainland electorates.

[176] But in producing the first set of electorate boundaries following the move the MMP electoral system, when the number of electorates declined from 97 to 65, other criteria played a more important role. For example, because of the rugged terrain – the South Island's main axial ranges are nearly 400 miles long and have numerous peaks over 7,500 feet, and the North Island ranges, although lower, are still formidable – and the impact this landscape has on transportation and communication across the country, topography (and to a lesser extent, communication) played a significant role in redistributions.

[177] *Report of the Representation Commission 2002*, pages 6-7. The *Report* is posted online by Elections New Zealand and can be found at www.elections.org.nz under the section "How electoral boundaries are drawn."

[178] A number of submissions from political parties and individual objectors have supported increasing the tolerance, and Parliament has considered this issue, but to date no change has been made; +/- 5% remains the electoral quota tolerance.

a large proportion of electorates require redrawing every redistribution. The table below lists the percentage of electorates that fell outside tolerance limits over the last few redistribution cycles:

Table 12.1: Electorates by year and percentage outside tolerance

Year	Total Number of electorates	Number of electorates outside the tolerance limits	% outside the tolerance limits
1977	83	50	60.2
1983	88	42	47.7
1987	93		
1992	97	33	34.0
1998[179]	65	26	40.0
2002	67	29	43.3

The number of electorates that were changed, however, was actually much greater – at least in part due the "ripple" effect.[180]

Allocating Seats and Calculating the Electoral Quota The boundaries are drawn based on the total number of ordinarily resident people in each electorate. This includes adults and children and is not based on the number of people who have enrolled as Parliamentary electors.

The General electoral population is the total number of people from the last census minus the Maori electoral population. The Maori population is calculated by taking the ratio of the number of people registered in the Maori electoral rolls compared to the total number of people on all electoral rolls (General and Maori) who said they were of Maori descent when they last enrolled. The Government Statistician then applies that proportion to the total number of people who said they were of Maori descent at the most recent population census.

The number of General electorate seats in the South Island is fixed at 16. The General electoral population (GEP) in the South Island is divided by 16 to give the General electoral district quota for the South Island. This quota is used to calculate the number of North Island General seats and the number of Maori seats. According to Section 35 (3) of the 1993 Electoral Act:

> *(a) The South Island shall be divided into 16 General electorate districts:*
> *(b) The General electoral population of the South Island shall be divided by 16, and the quotient so obtained shall be the quota for the South Island:*
> *(c) The General electoral population of the North Island shall be divided by the quota for the South Island, and the quotient so obtained shall be the number of General electoral districts in the North Island. Where that quotient includes a fraction, the fraction shall be disregarded unless it exceeds a half, in which*

[179] The 1992 Representation Commission was re-activated in 1993 to reduce the number of electorates from 97 to 65. The 1998 Commission simply redrew the 65 districts created by the 1992 Commission.

[180] In 1977, the number of electorates left unchanged was five out of 88, in 1983 it was six out of 91, in 1987 it was 14 out of 93 and in 1992 it was 27 out of 99.

case the number of such General electoral districts shall be the whole number next above that quotient:

(d) The quota for the North Island shall be ascertained by dividing the number of General electoral population of that Island by the number of General electoral districts in that Island, as ascertained under paragraph (c) of this subsection…

And Section 45 (3) of the Act:

(a) The Maori electoral population of New Zealand shall be divided by the quota for the General electoral districts in the South Island determined pursuant to section 35 (3) (b) of this Act, and the quotient so obtained shall be the number of Maori electoral districts:

(b) Where the quotient includes a fraction, the fraction shall be disregarded unless it exceeds a half, in which case the number of Maori electoral districts shall be the next whole number above the quotient…

The following table lists the population figures for the North and South Island General electorate and the Maori electorate, as well as the number of electorates and the electoral district quotas as calculated by the 2001-2002 Representation Commission:[181]

Table 12.2: General and Maori Electoral Populations

GENERAL AND MĀORI ELECTORAL POPULATIONS

	Electoral Population	Electoral Districts	Quota
General			
North Island	2,497,596	46	54,296
South Island	868,923	16	54,308
New Zealand	3,365,889	62	
Māori			
North Island	332,605		
South Island	38,455		
New Zealand	371,690	7	53,099

Each electorate must have an electoral population that is within +/- five percent of its appropriate electoral district quota. Appendix B lists the population of each of the 69 electorates (the 16 South Island electorates, the 46 North Island electorates, and the seven Maori electorates) in the 2002 Redistribution Plan, along with each district's percent deviation from the quota.

[181] This table is from the *Report of the Representation Commission 2002* which was posted online by Elections New Zealand and can be found at www.elections.org.nz under the section "How electoral boundaries are drawn."

Redistribution Procedures

There are ten clearly identifiable stages in the redistribution process in New Zealand:

1. The number and distribution of the total population is derived from the five-yearly census. The analyses of this data can take up to a year after census night.
2. The Maori option is held over a four-month period beginning shortly after the census. Persons of Maori descent are given the opportunity of deciding on which electoral roll, Maori or General, they wish to register.
3. Data from the census and the Maori option are combined to allow the Government Statistician to calculate the General electoral population for each of the North and South Islands, the number of General electorates the North Island is entitled to (the South Island has a fixed number of seats), and the Maori electoral population and number of electorates.
4. The Surveyor-General distributes the General and Maori population data across the existing electorates using small statistical units called mesh blocks. Each mesh block usually contains up to 200 people. Several alternative sets of "provisional" electorate boundaries are produced using these mesh blocks as the basic building units.
5. The Surveyor-General convenes the Representation Commission and presents the Commission with the provisional electoral boundaries he has developed and explains and justifies his proposals. The Representation Commission has six months from the date of its first formal meeting to complete its work and publish its final plan.
6. Before commencing its detailed scrutiny, the Representation Commission invites the political parties represented in parliament, and any independent MPs, to make submissions. Because the provision boundaries are confidential at this point, the submissions tend to focus on how each party thinks the rules of redistribution should be interpreted.
7. Once submissions have been completed, the Commissioners examine the draft plan and vary it where necessary. Although confidentially is still demanded at this stage, the "political" appointees are permitted to discuss the proposals with a very small number of people from the parties they represent as the Commission develops its proposed plan.
8. Maps of the Commission's proposed plan are published along with a summary of the reasons for the Commission's initial decisions, and public comment is invited. Any individual or organization has one month to object to the proposed boundaries and to suggest alternative boundaries. The Representation Commission publishes a summary of all of the objections it receives. Following this, the public then has two weeks to make counter-objections.[182] Objections come from a variety of sources: political parties, individual MPs, statutory and ad hoc authorities, community groups,

[182] The Commission received 199 objections and 80 counter-objections to the proposed boundaries released in November of 2001.

individual electors and, occasionally, administrators involved in running elections.

9. Once the counter-objection period has closed, public hearings are held wherever there are a sufficient number of objectors, usually in the larger population centers.[183] These hearings allow the public to put their objections directly to the Commission.

10. The Commission's proposed boundaries are then reconsidered in light of the objections and counter-objections, and the definitive electorates are determined. Detailed maps of the electorates covering all parts of the country and legal descriptions of each electorate are prepared to accompany the Commission's report. Publication of the report marks the conclusion of the redistribution process. (The Commission remains in existence, however, until the night of the next five-yearly census.)

Although not formally part of the redistribution process, a complete re-registration of eligible electors takes place after the Representation Commission has announced its final decisions. Registration as an elector is compulsory and the State, through its agency, the Electoral Enrolment Centre, re-allocates all registered electors to their new electorates. A re-registration card is sent to each elector; its completion and return confirms re-registration.

Computerizing the Process Redistributions were traditionally carried out by physically drawing boundaries on paper maps and manually calculating electoral populations. In 1998, computer technology was used for the first time. All Commissioners were provided a laptop computer loaded with GIS software, and population and statistical data as well as the boundaries of existing electoral and administrative boundaries. Using the GIS software provided, Commissioners were able to develop various options interactively, with immediate feedback as to the effects of these changes. According to the report published by the Commissioners:

> The use of this technology reduced the time that otherwise would have been taken by the Commission to formulate proposed boundaries and then to reach final decisions. It also enabled objectors and counter objectors to gain a clear appreciation of the matters being discussed by them at the hearing of objections and counter objections.[184]

[183] The Commission held hearings in Wellington, Christchurch, Auckland, Hamilton, and Te Awamutu during the 2001-2002 redistribution.

[184] *Report of the Representation Commission 2002*, page 16. This report is posted online by Elections New Zealand and can be found at www.elections.org.nz under the section "How electoral boundaries are drawn."

Conclusion

Overall, the timely, efficient, and professional approach taken to the redistribution of electorates in New Zealand has resulted in general acceptance of the process and the outcome.

Even before replacing the FFP electoral system with an MMP system, redistributions in New Zealand were not considered particularly politically charged. The reason for this is at least threefold:

- New Zealand's politicians have a very limited role in the redistribution process: they do not draw the electorate lines, nor do they have a vote on the plan to be enacted, nor can they prevent a redistribution from being implemented.
- The membership on the Representation Commission is dominated numerically by non-political appointees. The "political" appointees to the Commission cannot outvote the non-political members.
- The decisions of the Representation Commission have the force of law and cannot be challenged.

On the other hand, while the redistribution process is designed to ensure that partisan influence does not dominate, the presence of political appointees on the Representation Commission guarantees that political input is not ignored. This is important if partisan bias, however unintentional, is to be minimized.

More generally, the success of the redistribution process can be attributed in large part to two important factors: the establishment of an independent Representation Commission – with a majority of the members being politically neutral public servants – and a detailed set of rules governing the mechanics of the process. As one commentator concludes:

> The success of New Zealand's redistribution procedures rests squarely on a number of inter-related pillars. The regularity and frequency of redistributions, over which a government has no control, limits keeps any distortions stemming from changes in population distribution to a minimum. These five-yearly revisions guarantee that nearly every election will be fought within electoral district boundaries that meet the prescribed population criteria. The rules governing redistributions are also clearly defined, and while there is some flexibility in applying the discretionary criteria, the mandatory arithmetic criterion and the accompanying narrow tolerance range severely restricts the opportunity to manipulate electorate boundaries in the interests of any particular group or party. Further, the opportunities for public and party input, and the requirement that the Representation Commission explains clearly the reasoning behind its proposals and its ultimate decisions, makes the redistribution process very transparent. And, at the conclusion of the redistribution process, the automatic application of the commission's final decisions prevents any aggrieved party, community group,

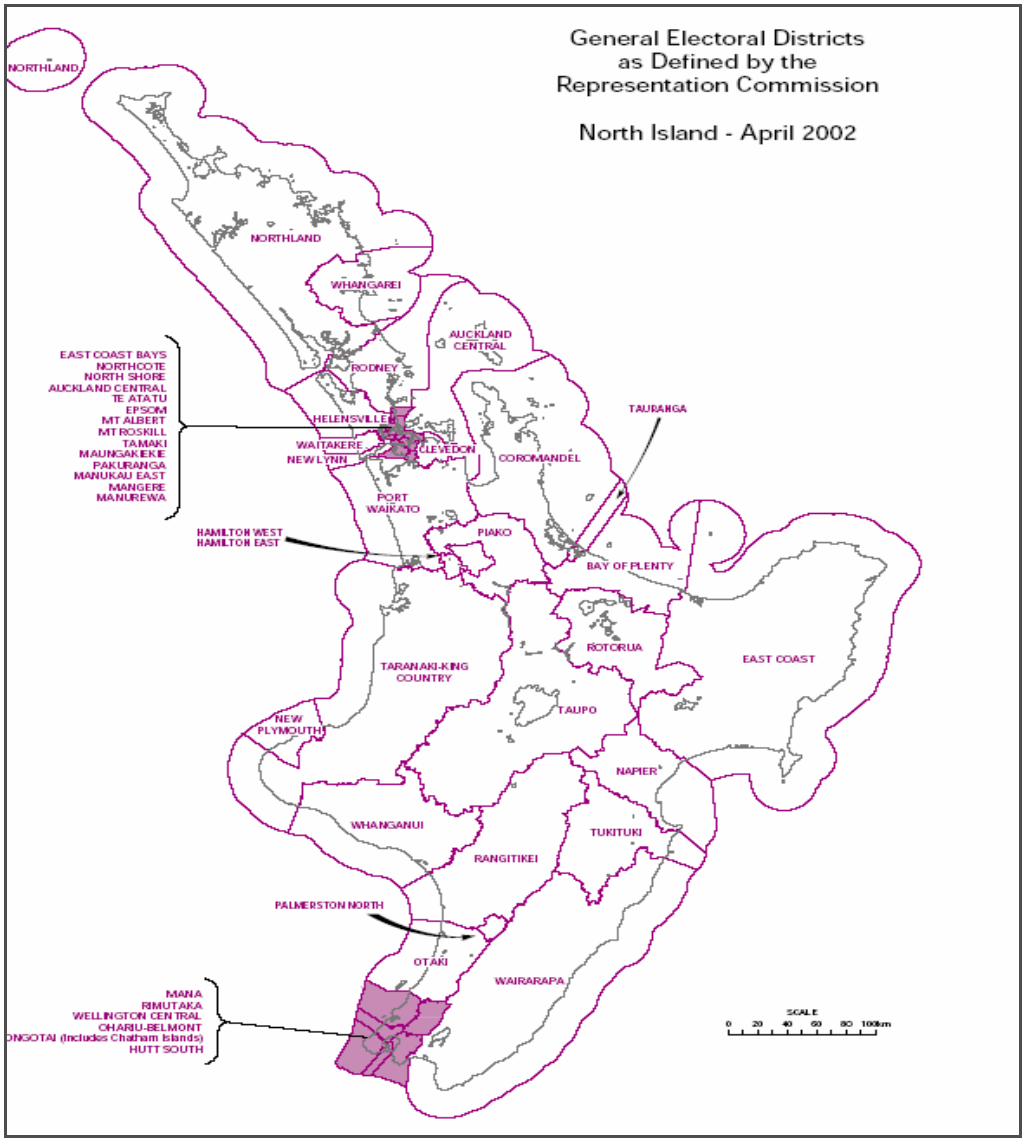
> or individual, from challenging those decisions in an attempt to prevent their implementation.[185]

Perhaps the most unique element of New Zealand's redistribution process, the establishment of separate Maori electorates overlaying the General electorates, is also its most important element – at least with regard to "lessons to be learned." This feature has served to promote fair and effective representation for the country's indigenous minority population.

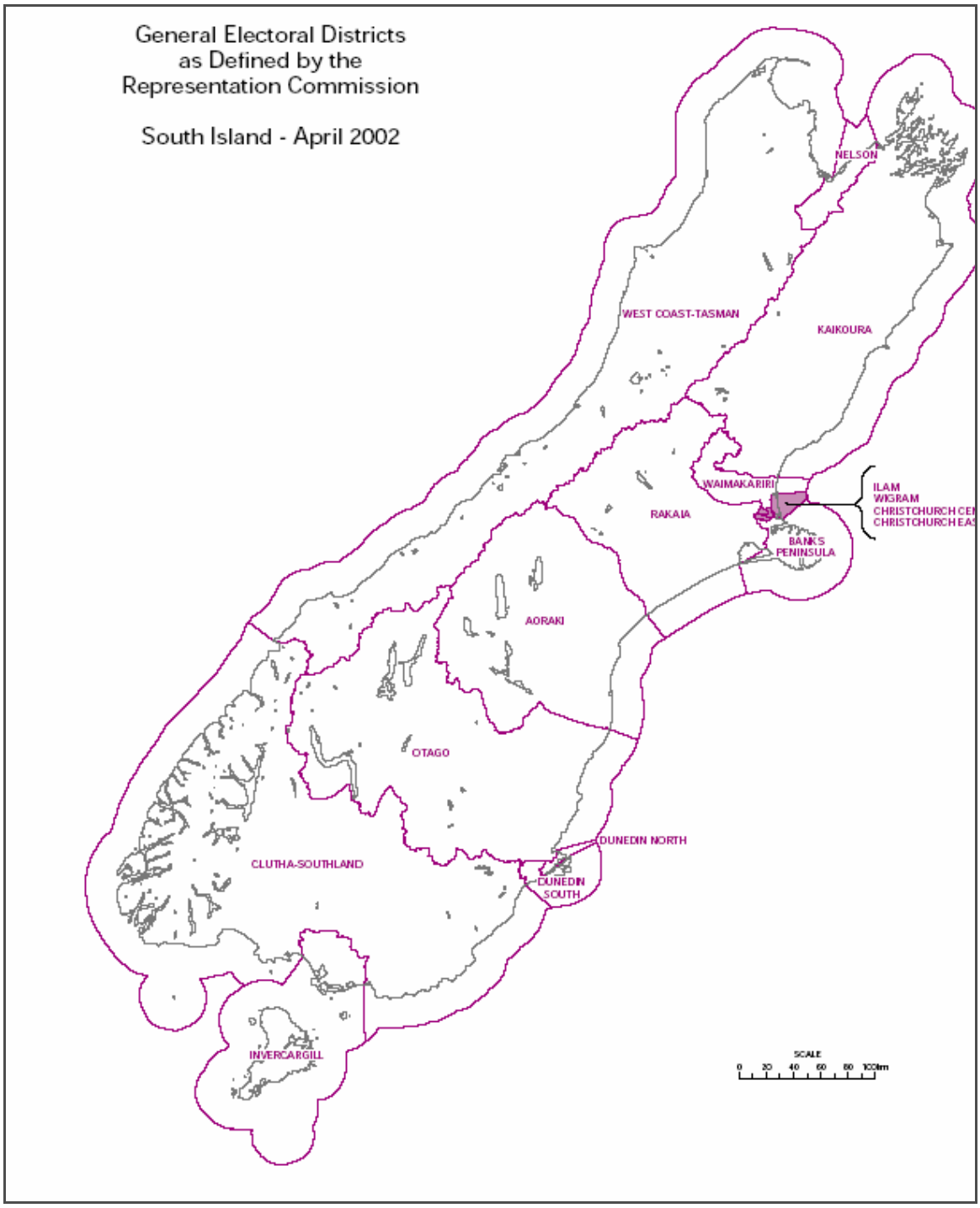
[185] Alan McRobie, "An Independent Commission with Political Input: New Zealand's Electoral Redistribution Practices" paper prepared for the conference "Redistricting from a Comparative Perspective" held at the University of California at Irvine, 6-8 December 2001.

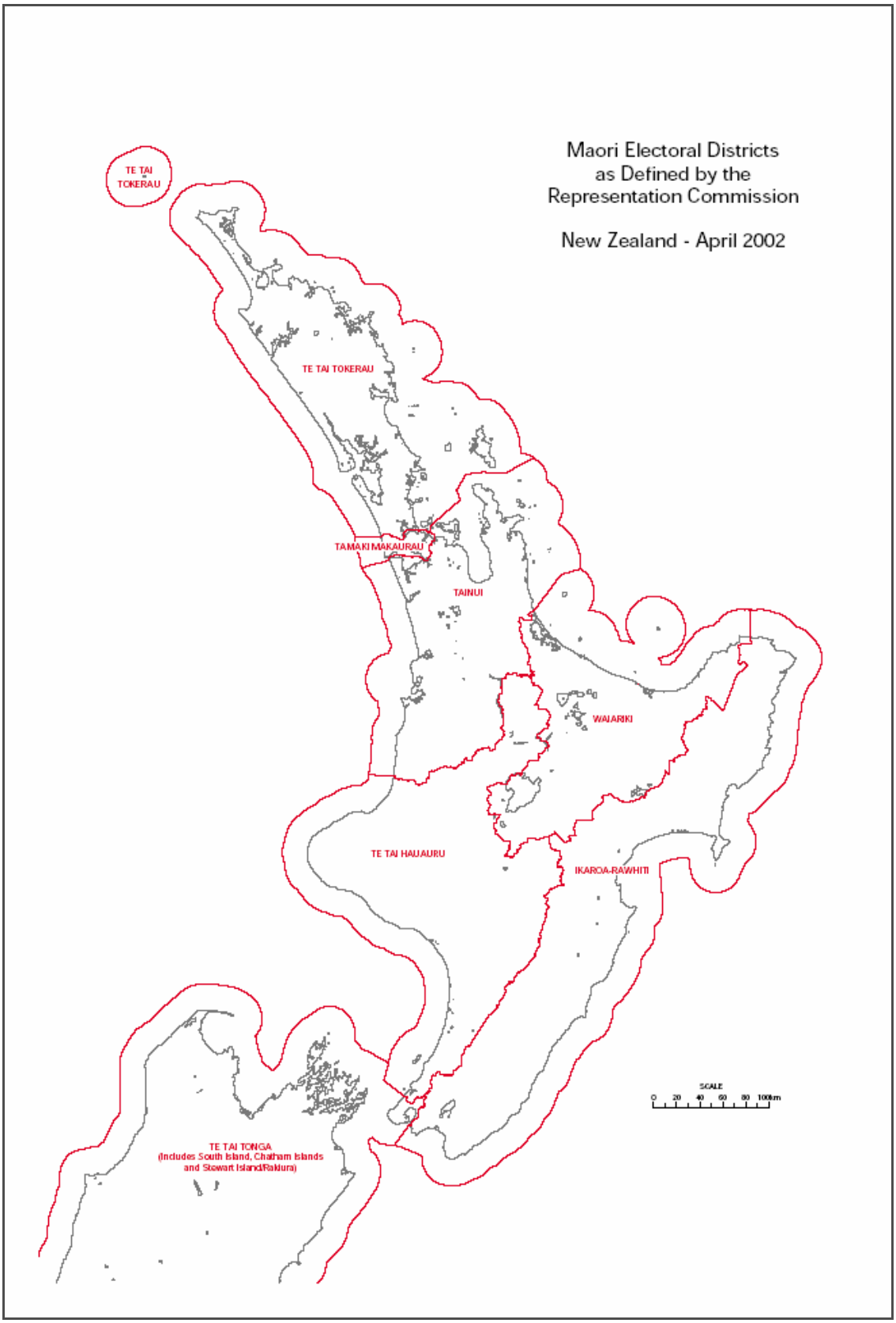
Appendix: New Zealand

Appendix A: New Zealand Electoral Districts, April 2002[186]



[186] These maps are from the *Report of the Representation Commission 2002* which was posted online by Elections New Zealand and can be found at www.elections.org.nz under the section "How electoral boundaries are drawn."


General Electoral Districts
as Defined by the
Representation Commission
South Island - April 2002
NELSON
WEST COAST-TASMAN
KAIKOURA
WAIMAKARIRI
RAKAIA
ILAM
WIGRAM
BANKS
PENINSULA
AORAKI
OTAGO
DUNEDIN NORTH
CLUTHA-SOUTHLAND
DUNEDIN
SOUTH
INVERCARGILL
SCALE


Maori Electoral Districts
as Defined by the
Representation Commission
New Zealand - April 2002
TE TAI TOKERAU
TE TAI TOKERAU
TAMAKI MAKAURAU
TAINUI
WAIARIKI
TE TAI HAUAURU
IKAROA-RAWHITI
TE TAI TONGA
(Includes South Island, Chatham Islands
and Stewart Island/Rakiura)
SCALE
0 20 40 60 80 100km

Appendix B: New Zealand Electoral Districts, April 2002, Population and Variation from Population Quotas[187]

Final South Island General Electoral Districts

South Island General Electoral Districts		Electoral Population	Variation from quota (SI Quota = 54,308)		Projected variation from projected quota	
Id*	Name		Number	Percentage	2002 (%)	2005 (%)
001	Aoraki	52177	-2119	-3.9	-4	-6
003	Banks Peninsula	56914	2618	4.8	6	7
005	Christchurch Central	56894	2598	4.8	5	5
006	Christchurch East	56310	2014	3.7	4	5
008	Clutha-Southland	51902	-2394	-4.4	-5	-7
010	Dunedin North	51756	-2540	-4.7	-4	-5
011	Dunedin South	53113	-1183	-2.2	-3	-3
019	Ilam	56906	2610	4.8	4	3
020	Invercargill	51673	-2623	-4.8	-7	-10
021	Kaikoura	52855	-1441	-2.7	-3	-2
030	Nelson	56025	1729	3.2	3	5
037	Otago	52491	-1805	-3.3	-4	-4
043	Rakaia	54711	415	0.8	2	4
055	Waimakariri	55964	1668	3.1	4	7
059	West Coast-Tasman	51719	-2577	-4.7	-3	-4
062	Wigram	56879	2583	4.8	4	4

[187] These tables are from the *Report of the Representation Commission 2002* which was posted online by Elections New Zealand and can be found at www.elections.org.nz under the section "How electoral boundaries are drawn."

Final North Island General Electoral Districts

North Island General Electoral Districts		Electoral Population	Variation from quota (NI Quota = 54,288)		Projected variation from projected quota	
Id*	Name		Number	Percentage	2002 (%)	2005 (%)
002	Auckland Central	53547	-741	-1.4	2	6
004	Bay of Plenty	51893	-2395	-4.4	-2	1
007	Clevedon	56169	1881	3.5	7	12
009	Coromandel	53687	-601	-1.1	3	4
012	East Coast	53637	-651	-1.2	-2	-4
013	East Coast Bays	56749	2461	4.5	6	10
014	Epsom	54525	237	0.4	1	1
015	Hamilton East	55263	975	1.8	4	5
016	Hamilton West	56672	2384	4.4	5	4
017	Helensville	52281	-2007	-3.7	-1	4
018	Hutt South	52910	-1378	-2.5	-5	-7
022	Mana	53671	-617	-1.1	-4	-6
023	Mangere	56830	2542	4.7	4	4
024	Manukau East	56426	2138	3.9	6	10
025	Manurewa	56815	2527	4.7	4	5
026	Maungakiekie	51913	-2375	-4.4	-3	-1
027	Mt Albert	51941	-2347	-4.3	-5	-4
028	Mt Roskill	54064	-224	-0.4	0	1
029	Napier	55382	1094	2	0	-2
031	New Lynn	52141	-2147	-4	-4	-3
032	New Plymouth	52194	-2094	-3.9	-6	-9
033	North Shore	56032	1744	3.2	3	1
034	Northcote	54675	387	0.7	0	-1
035	Northland	54115	-173	-0.3	0	0
036	Ohariu-Belmont	54232	-56	-0.1	-2	-3
038	Otaki	56725	2437	4.5	4	3
039	Pakuranga	56269	1981	3.6	2	2
040	Palmerston North	52859	-1429	-2.6	-3	-4
041	Piako	56643	2355	4.3	3	0
042	Port Waikato	56578	2290	4.2	7	9
044	Rangitikei	51920	-2368	-4.4	-5	-7
045	Rimutaka	55998	1710	3.1	1	-2
046	Rodney	52885	-1403	-2.6	-1	3
047	Rongotai	53113	-1175	-2.2	-3	-5
048	Rotorua	53647	-641	-1.2	-2	-4
049	Tamaki	56282	1994	3.7	6	7
050	Taranaki-King Country	53788	-500	-0.9	-3	-5
051	Taupo	52274	-2014	-3.7	-5	-7
052	Tauranga	53449	-839	-1.5	-1	0
053	Te Atatu	52774	-1514	-2.8	-3	-3
054	Tukituki	56977	2689	5	3	1
056	Wairarapa	52261	-2027	-3.7	-7	-10
057	Waitakere	51630	-2658	-4.9	-3	1
058	Wellington Central	54289	1	0	-2	-2
060	Whanganui	56031	1743	3.2	1	-2
061	Whangarei	54133	-155	-0.3	-1	-2

Final Maori Electoral Districts

Maori Electoral Districts		Electoral Population	Variation from quota (Quota = 53,130)		Projected variation from projected quota	
Id*	Name	1996 Census	Number	Percentage	2002 (%)	2005 (%)
063	Ikaroa-Rawhiti	51262	-1868	-3.5	-6	-10
064	Tainui	54358	1228	2.3	7	10
065	Tamaki Makaurau	54692	1562	2.9	2	3
066	Te Tai Hauauru	51103	-2027	-3.8	-6	-8
067	Te Tai Tokerau	54466	1336	2.5	3	5
068	Te Tai Tonga	52204	-926	-1.7	-1	-1
069	Waiariki	53680	550	1	1	1

Chapter 13

Case Study: Singapore

Dr. Jeremy Grace
January 2004

CASE STUDIES

Case Study: Singapore

Drawing Districts to Ensure Super-Majorities in the Parliament

Dr. Jeremy Grace • January 2004

Singapore is a parliamentary democracy modeled on the British Westminster system. The government has been controlled by the ruling People's Action Party (PAP) since independence from Britain in 1959. This uninterrupted reign of power stems from two key factors: First, PAP's prudent economic management has moved Singapore from an economic backwater to one of the wealthiest countries in the world; second, the PAP has a low tolerance for opposition and micromanages elections to ensure resounding majorities in the Parliament. While voting is widely considered to be "fair, accurate, and free from tampering,"[188] the development of a robust opposition has been hampered by limits on basic freedoms associated with democratic practices and by the Government's control and use of the electoral process as an instrument for political dominance.

Electoral System

Singapore's parliament is unicameral. Until 1988, members were elected by universal and compulsory suffrage in single-member plurality constituencies (SMCs). Increases in population were accounted for by steady growth of the number of seats contested (from 58 in 1968 to 84 as of 2001).

In 1988, amendments to the Parliamentary Elections Act[189] established a mixed system in which some MPs are elected in SMCs while others are elected through a "Party Block Vote" in multi-member Group Representative Constituencies (GRCs).[190] The purpose of the Party Block Vote is to promote better representation from minority communities. Parties contesting a GRC must propose a slate that includes at least one member of an official minority (listed as Indian, Malay, Eurasian, or Other).[191] Within the GRCs, voters select from among closed party lists, with the party receiving a plurality of votes winning all seats in the district.[192]

[188] US State Dept. 1999 Country Reports on Human Rights Practices: Singapore, Annual Human Rights Report. Available at http://www.state.gov/www/global/human_rights/1999_hrp_report/singapor.html, Internet; accessed Dec 2003.

[189] Attorney-General's Chamber of Singapore. 2005. *Parliamentary Elections Act* [online]. Singapore; available from http://agcvldb4.agc.gov.sg/; Internet; accessed Dec 2003

[190] The Party Block Vote is also utilized in Djibouti, Lebanon, Tunisia, Ecuador and Senegal. According to International IDEA, "[t]he advantages of the Party Block Vote are that it is simple to use, encourages strong parties and allows for parties to put up mixed slates of candidates in order to facilitate minority representation. However, a critical flaw of the Party Block is the production of super-majoritarian results, where one party can win almost all of the seats with a simple majority of the votes." See http://www.idea.int/publications/esd/esd-blockvote.html

[191] Each GRC is categorized based on whether the minority member represents the "Malay" or the "Indian and Other" minority communities.

[192] Constituent responsibilities in the GRCs are left up to the discretion of the group. Generally, a district is divided into several wards, with each member of the elected group being assigned a ward to specifically

Revisions in the electoral law have increased both the number and size of the GRCs and reduced the number of SMCs. As of 2001, nine seats were elected in SMCs, and 75 were elected from the GRCs.[193] Table 13.1 details the size and composition of the constituencies.

Table 13.1: Single-member and Group Constituencies in 2001

Group Constituencies				Single-member Constituencies		
Name	**MPs**	**Electors**		**Name**	**MPs**	**Electors**
Jalan Besar	5	100,268		Potong Pasir	1	16,616
West Coast	5	110,779		Ayer Rajah	1	18,475
Bishan-Toa Payoh	5	114,621		Joo Chiat	1	21,745
Jurong	5	115,113		MacPherson	1	22,010
Holland Panjang	5	118,834		Nee Soon Central	1	22,975
Aljunied	5	125,115		Hougang	1	23,320
Tampines	5	125,432		Chua Chu Kang	1	24,863
Hong Kah	5	129,073		Bukit Timah	1	26,951
Pasir Ris-Punggol	5	134,151		Nee Soon East	1	28,465
Marine Parade	6	140,174				
Tanjong Pagar	6	141,150				
East Coast	6	144,012				
Sembawang	6	166,137				
Ang Mo Kio	6	166,644				

CASE STUDIES

Impact of the Party Bloc Vote and GRCs

The GRC has several important political implications. First, whichever party wins the most votes in a GRC wins all five or six seats. As a result, elections routinely produce a disproportional seat allocation that always favors the PAP. In 2001, for example, the PAP won 75.3 percent of the national vote yet netted 82 of 84 parliamentary seats. As one analysis notes: "Over the last four general elections, the opposition has gained an average of 30 percent of the vote in contested seats, but this has led to only between 1.2 percent and 4.9 percent of the parliamentary seats."[194]

Second, from the opposition's perspective, the GRCs "dilute the force of personality of party leaders and also present the problem of fielding competent teams with minority

represent. However, despite dividing the districts into wards, each member of the group is legally responsible for representing the entire district.

[193] In 1991, for example, the number of GRCs was increased to 15 and SMCs reduced to 21. In 1997, 15 GRCs were scaled into four-, five-, or six-member constituencies, and SMCs were reduced to only nine. For 2001, all GRCs were scaled to five or six members.

[194] Mauzy, Diane K., "Electoral Innovation and One-Party Dominance in Singapore." In John Fuh-Sheng Hsieh and David Newman (eds.), How Asia Votes. (London: Chatham House Publishers, 2002): 235 – 254.

representatives."[195] As a consequence, opposition parties are often unable to field a full slate of candidates, and many of the GRCs are contested only by the PAP. In 2001, for example, PAP ran unopposed in nearly two-thirds of the constituencies. A related concern is the fact that the GRC also shields weaker PAP candidates (i.e., those who lack the dynamism or force of personality to compete strongly) through team membership.[196]

Finally, the GRC system is routinely gerrymandered by the national elections department. Opposition parties complain that redistricting nearly always results in better prospects for PAP candidates as competitive districts are generally dismembered to ensure PAP dominance. Since the redistricting process (and in fact the elections department itself) is not independent from the government or overseen by the judiciary, no checks are in place to prevent abuse of the system. Following the 2001 elections, Amnesty International charged that "The small and poorly funded opposition parties complained that constituency changes and a range of regulations imposed by the PAP made it more difficult for them to win votes."[197]

The following table outlines the disproportionality between votes received and seats allocated to PAP since introduction of the GRC system.

Table 13.2: Election Outcomes since introduction of GRCs

Evolution of the Electoral System in Singapore						
Year	Total No. of Seats	No. SMCs	No. GRCs	No. GRC Seats	% PAP National Vote	% PAP Seats
1988	81	42	13	39	63.2	98.8
1991	81	21	15	60	61	95.1
1997	83	9	15	74	65	97.6
2001	84	9	14	75	75.3	97.6

Legal Framework for Redistribution

Singapore's elections are governed by the Constitution and the Parliamentary Elections Act (last revised in 2001). All elections staff, including those responsible for redistricting, are appointed by the government.[198] Elections are administered by civil servants in the "Elections Department" which reports directly to the Prime Minister. There is no independent elections commission.[199]

[195] Mauzy: 244.

[196] Hwee, Yeo Lay. 2002. "Electoral Politics in Singapore," Available at: http://www.fesspore.org/pdf/Electoral%20Politics/Singapor.pdf Internet; accessed Dec 2003: p. 206.

[197] Amnesty International. (2002. Amnesty International's 2002 Report on Singapore. Available at: http://www.singapore-window.org/sw02/020528ai.htm. Internet; accessed Dec 2003.

[198] *Parliamentary Elections Act* 3(1).

[199] Hwee: 209

Boundary Authority Prior to each election, the Prime Minister appoints a five-member "Electoral Boundaries Review Committee," staffed solely by civil servants from the Elections Department. There are no restrictions concerning when the Prime Minister may call for the map to be redrawn. In the past, however, redistricting has always occurred immediately prior to an official announcement of an election.

Upon completion of the review, the Committee submits a report to the cabinet detailing modifications to constituencies and the drawing of boundary lines. The report is accepted by the government without need for debate or approval of the parliament or oversight by the courts.[200] Once approved, the new map is published in the *Government Gazette*.

Redistribution Criteria

The criteria and process for boundary review is not spelled out in the Parliamentary Elections Act or in any formal legal framework. The only constant across Singapore's electoral history appears to be a 30 percent limit on district population deviation.[201]

The basis for redistricting appears to be the ethnic distribution of the population. Given Singapore's small size and high population density, the majority of Singaporeans live in government-built-and–managed, high-rise apartment buildings. The Housing Development Board (HDB) effectively determines where ethnic groups live by actively limiting the number of ethnic groups in each apartment complex. According to one analysis: "The HDB stipulates that only a certain percentage of each ethnic minority group (not more than the national percentage, that is, approximately 25 percent for Malays, five percent for Indians and one percent for Eurasians) can live in a particular housing estate. Buyers and sellers of the flats must seek permission from the HDB before a transaction can be made."[202] As a consequence, the government effectively determines the ethnic distribution of the entire country, making it difficult for minority communities to form a plurality in any one electoral district.

Redistricting in Recent Elections

1997 Three months prior to the general election of February 1997, Prime Minister Goh Chok Tong called upon the Electoral Boundaries Review Committee to redraw the constituency map. Chaired by Wong Chooi Sen, a Cabinet Secretary and PAP party loyalist, the Committee made sweeping changes to all but four electoral districts, despite census data indicating that significant population changes had occurred in only ten

[200] Hwee: 210

[201] Warren Fernandez, "15 GRCs, 9 SMC's for Election," *The Straight Times*, 22 November 1996, http://ourstory.asia1.com.sg/dream/politics/ref/grc2.html; Internet; accessed Jan 2004. According to previous accepted practice, there can be no more than a 30% deviation in population among GRCs and no more than 30% deviation in population for SMC's.

[202] Muffet, David. 2002. "Singapore Elections Report 2001." Available from http://www.thinkcentre.org/article.cfm?ArticleID=1435; Internet; accessed Jan 2004.

SMCs and three GRCs. The changes were accepted by the Government and implemented shortly before the polls opened.

The Committee created six new GRCs, enlarged six, made two smaller, left one unchanged, and eliminated or renamed another six. Fourteen of the previous twenty-one SMCs were merged into new GRCs or absorbed by pre-existing GRCs. The election law was also amended to raise the maximum number of representatives in a GRC to six and reduce the minimum number of SMCs to eight seats. In the end, the total number of GRCs remained unchanged at 15, and the total number of SMCs shrunk from 21 to nine. The net result was an increase in the percentage of seats in parliament filled by GRCs to 89 percent, up from 74 percent in the previous election, and a decrease in the percentage of seats filled by SMCs to 10.8 percent, down from 25.9 percent in the previous election.

Some of the most politically significant changes occurred in the six districts that were either eliminated completely or chopped up and renamed. The Eunos district was eliminated completely, with its electorate split into the surrounding districts. In the previous general election, Eunos had experienced the closest race of any of the GRCs, with the PAP winning a narrow victory over the Worker's Party (WP) by a vote of 45,833 to 41,673. Similarly, the Bedok constituency, where the PAP won over the WP by a vote of 49,109 to 30,121, was renamed East Coast and parts of five other districts were added to it. Three of those districts contained significant PAP support, thus weakening WP's base. The tactic proved successful as the PAP ran uncontested in East Coast in the 1997 elections.

All four of the SMCs held by opposition party members prior to the election were left as SMCs. However, the boundaries of one of the SMCs were substantially changed. Nee Soon Central, an SMC held by the Singapore Democratic Party (SDP) prior to the 1997 elections, was added to the Ang Mo Kio GRC. As a result, the SDP lost the seat in Nee Soon Central to the PAP by a vote of 9,591 to 15,214. The Ang Mo Kio GRC, which absorbed a portion of Nee Soon Central, was uncontested. Thus, the PAP effectively eliminated a strong source of opposition support in one district by diverting a substantial portion of its population to a district where no opposition party even contested the election.[203]

2001 The general election of 2001 also brought accusations of gerrymandering by opposition parties. The Boundaries Commission submitted its recommendations for electoral district changes only a day before the announcement of the general election. The new map strengthened PAP electoral support in both GRCs and SMCs across the country.[204] It also eliminated four-person GRCs, leaving only five- and six-person GRCs, which had the dual effect of making it more difficult for opposition groups to come up

[203] Fernandez, Warren. 1996. "15 GRC's, 9 SMC's for Election" and "Changes to the Electoral Map." *The Straights Times*, 22 November. Available from http://ourstory.asia1.com.sg/dream/politics/ref/grc2.html. Internet; accessed Jan 2004.

[204] Burton, John. 2001. "Why Bother Voting? The Government is Almost Unopposed," *The Economist*, 1 November. Available at http://www.sfdonline.org/Link%20Pages/Link%20Folders/01Pf/econ011101.html; Internet; accessed March 2004. see also Appendix A.

with enough candidates to contest a district and guaranteeing PAP an extra seat in every district that had previously been a four- person GRC.[205]

Protests against the 2001 elections were held almost immediately following the publication of the new districts. The Singapore Democratic Alliance, a coalition of four opposition parties, claimed that the new map guaranteed the PAP a victory even before voting took place. The protests spurred several small riots as demonstrators became increasingly indignant over the predetermined outcome.[206]

Conclusion

Singapore has a functioning democratic system in which voters are freely able to elect their preferred representatives. However, tight government control of the electoral process, combined with other tactics designed to harass opposition parties, results in these elections being less than free and fair. Given widespread popular support for PAP's prudent management of the city-state, these anti-democratic practices do not serve any identifiable purpose except to provide the PAP with a consistent super-majority. Even without the obvious gerrymandering, the PAP would likely win a substantial majority of votes for the foreseeable future.

In terms of the boundary delimitation process, several key flaws are notable:

- Lack of a legal framework: The redistricting process is not governed by a consistent legal framework. While the Parliamentary Elections Act mandates the creation and composition of SMCs and GRCs, it does not specify any criteria by which the districting process should occur.
- Lack of independence of electoral officials: The government controls both the Elections Department and the Electoral Boundaries Review Committee. Redistricting is conducted in secret, with no public input or oversight, and the EBRC staff is appointed by the Prime Minister's office, compromising its neutrality.
- Lack of transparency: Opposition parties and civil society groups have no role in the delimitation process. Once delimitation is completed, no external authority is responsible for approval of the new electoral map. The Courts are excluded from the process entirely.
- Time Constraints on the Opposition: The government routinely publishes updated electoral boundaries only weeks before an election. This hinders the ability of opposition parties to recruit candidates and propose slates in newly-

[205] "Opposition Faces New Obstacle after Authorities Slap New Election Rules," *The New Straights Times*, 21 October 2001, available at http://www.sfdonline.org/Link%20Pages/Link%20Folders/01Pf/nst211001.html. Internet; accessed Jan 2004.

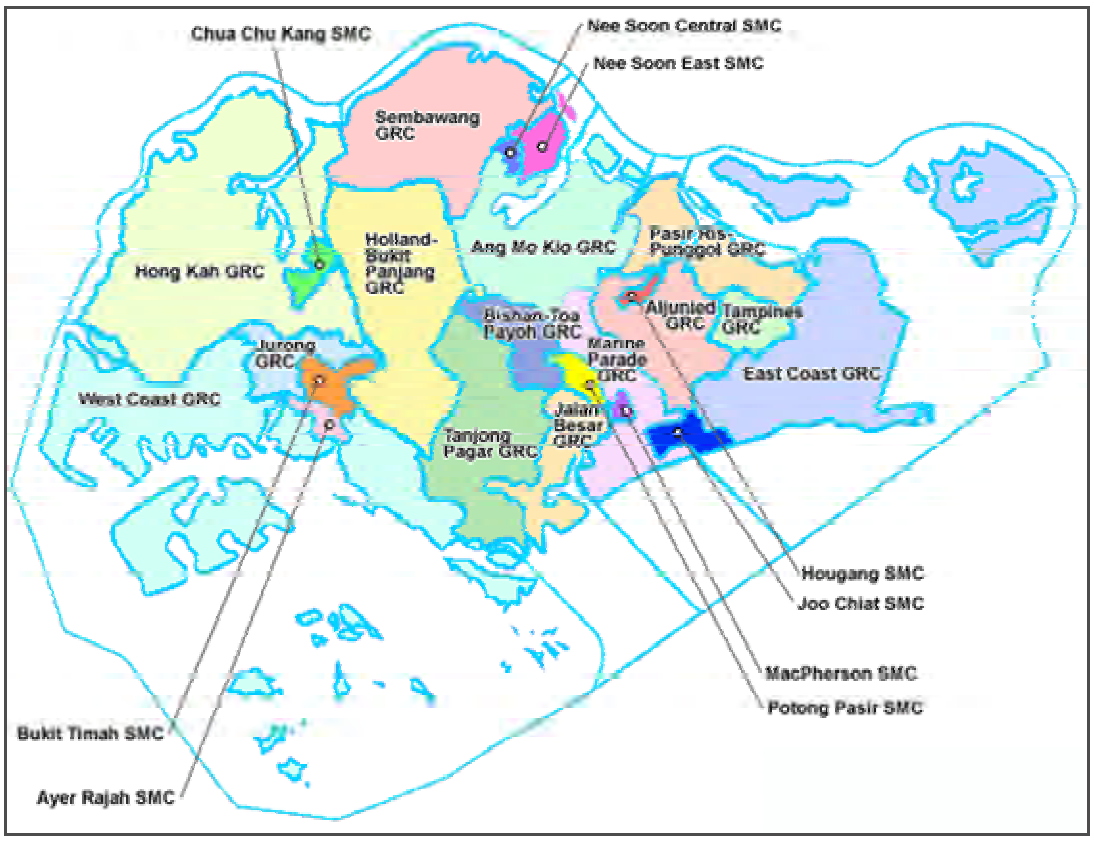
[206] "Riots break out on eve of Singapore General Election," Japan Newswire, 2 November 2001.

created districts. As a result, nearly two-thirds of the GRCs are not even contested during the polling. [207]

[207] In 2001, 55 out of the 84 parliamentary seats ran uncontested, thus guaranteeing a PAP majority regardless of the outcome of the elections; see also Appendix B.

Appendix: Singapore

Appendix A: Singapore Electoral Map in 2001[208]



[208] Map also available at http://www.ecitizen.gov.sg/inc_frame.htm?link=http://www.elections.gov.sg.

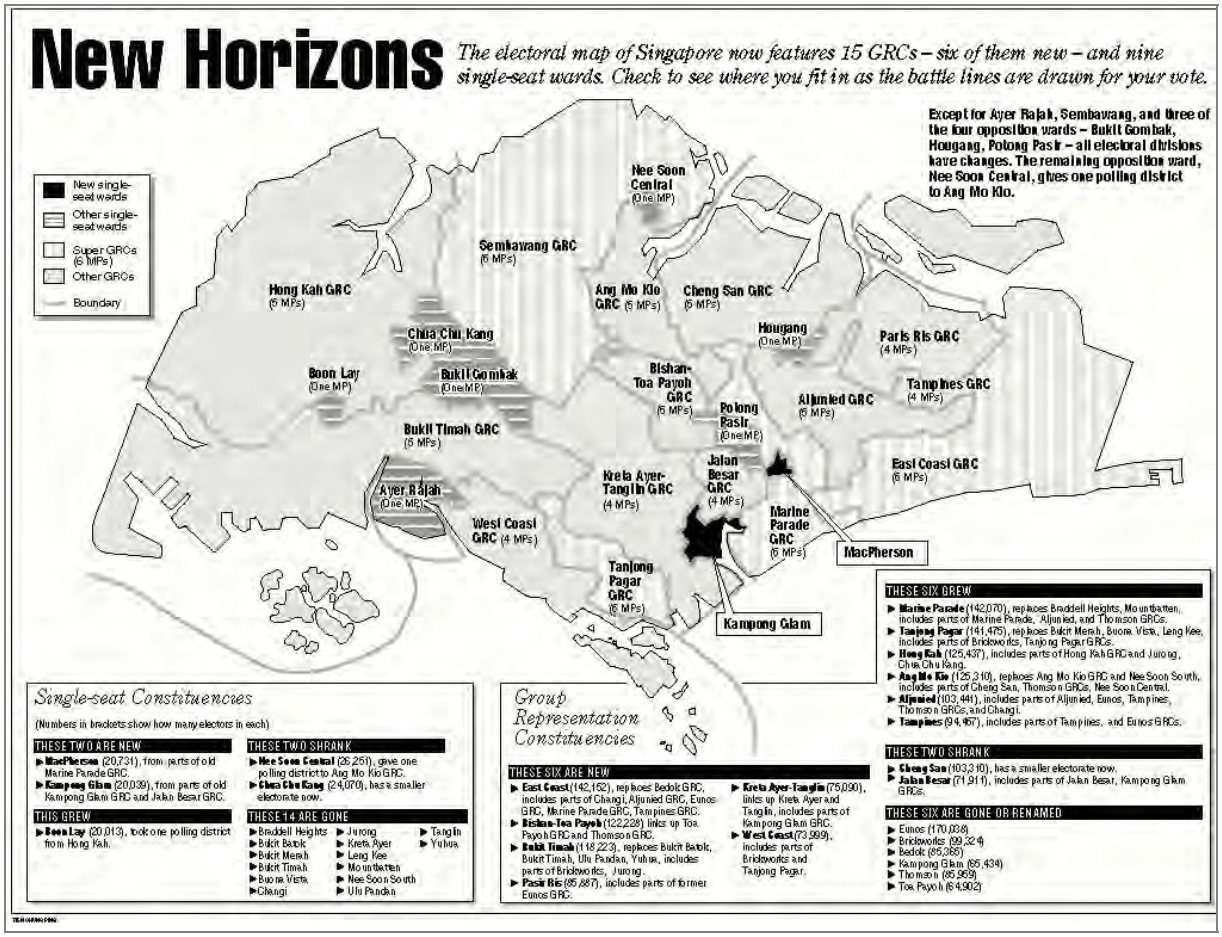
Appendix B: 2001 General Election Results[209]

Constituency (Electorate)	Party (Winner in Bold)	Votes Polled
Aljunied (125,115)	**PAP**	**Uncontested**
Ang Mo Kio (166,644)	**PAP**	**Uncontested**
Ayer Rajah (18,475)*	**PAP** DPP	**15,024** 2,057
Bishan-Toa Payoh (114,621)	**PAP**	**Uncontested**
Bukit Timah (26,951)*	**PAP** INDP SDA	**19,121** 1,215 4,376
Chua Chu Kang (24,863)*	**PAP** SDA	**15,349** 8,143
East Coast (144,012)	**PAP**	**Uncontested**
Holland-Bukit Panjang (118,834)	**PAP**	**Uncontested**
Hong Kah (129,073)	**PAP** SDP	**96,450** 24,513
Hougang (23,320)*	PAP **WP**	9,882 **12,070**
Jalan Besar (100,268)	**PAP** SDA	**68,309** 23,391
Joo Chiat (21,745)*	**PAP** INDP	**15,426** 3,038
Jurong (115,113)	**PAP** SDP	**84,742** 21,511
MacPherson (22,010)*	**PAP** DPP	**16,870** 3,277
Marine Parade (140,174)	**PAP**	**Uncontested**
Nee Soon Central (22,975)*	**PAP** SDP	**16,755** 4,583
Nee Soon East (28,465)*	**PAP** WP	**19,566** 6,990
Pasir Ris-Punggol (134,151)	**PAP**	**Uncontested**
Potong Pasir (16,616)*	PAP **SDA**	7,356 **8,107**
Sembawang (166,137)	**PAP**	**Uncontested**
Tampines (125,432)	**PAP** SDA	**85,915** 31,231
Tanjong Pagar (141,150)	**PAP**	**Uncontested**
West Coast (110,779)	**PAP**	**Uncontested**

** Denotes a SMC*

[209] "2001 General Election Results," eCitizen, available at http://www.ecitizen.gov.sg/inc_frame.htm?link=http://www.elections.gov.sg.

Appendix C: Changes to the Electoral Map Made Prior to 1997 General Elections[210]



[210] Map also available at http://ourstory.asia1.com.sg/dream/politics/ref/images/elecmap.jpg

Appendix D: Parliamentary Elections Act Section 8A

(1) For the purposes of electing Members of Parliament on a group basis to ensure the representation in Parliament of Members from the Malay, Indian and other minority communities under this Act, the President shall, subject to this section, by order published in the *Gazette* —

(a) declare any electoral division, having regard to the number of electors in that division, to be a group representation constituency and designate that constituency as a constituency in which any election is to be held on the basis of a group of such number of candidates, being not less than 3 but not more than 6; and

(b) designate every group representation constituency as

(i) a constituency where at least one of the candidates in every group shall be a person belonging to the Malay community; or

(ii) a constituency where at least one of the candidates in every group shall be a person belonging to the Indian or other minority communities.

Chapter 14

Case Study: United Kingdom

Dr. Ron Johnston • Dr. David Rossiter • Dr. Charles Pattie

Case Study: The United Kingdom

Redistribution Process

Dr. Ron Johnston • Dr. David Rossiter • Dr. Charles Pattie

The United Kingdom's[211] system of redistribution has operated in its current form, with some modifications, for just over fifty years. During this time there have been five redistributions completed, in 1947, 1954, 1969, 1983, and 1995. The task is undertaken by four independent boundary commissions, one each for England, Scotland, Wales and Northern Ireland. It is done on a set timetable, which has been changed twice since 1944.

The commissions are composed of four members appointed by the relevant secretaries of state. The chair is the Speaker of the House of Commons who neither attends nor participates; meetings are conducted by the deputy chair, a senior judge in each case. Each commission has assessors representing departments which supply vital information (for England and Wales these are the registrar-general and the director general of the Ordnance Survey). The commissions make recommendations to Parliament, which can accept or reject, but not modify, them. (A secretary of state can modify the recommendations before transmitting them to Parliament, but this has never happened.)

The system for electing the lower house of the Parliament, the House of Commons, was introduced in the thirteenth century, and this system went largely unchanged for the next six hundred years. Each shire (or county) and borough was invited to send two representatives, one elected from among the landowners and the other by the enfranchised burgesses. When Scotland, Wales and Ireland were incorporated their members of Parliament (M.P.'s) were similarly elected. Changes to the system occurred largely as a by-product of three nineteenth century franchise extensions expanding the (all-male) electorate: the Reform Acts of 1832, 1867, and 1885.

Before the 1832 Great Reform Act there were major variations in constituency electorates, a result primarily of nineteenth-century industrial urbanisation. The three nineteenth century redistributions reduced these differences by removing seats from the small boroughs and reallocating them to the rapidly-expanding shires. Most two-seat boroughs lost their separate status, and the new constituencies allocated to the shires returned a single M.P. By the turn of the twentieth century, most of the M.P.'s were elected from single-member constituencies.

The nineteenth century redistributions were undertaken by the House of Commons, and were carefully constructed by the government to favour its electoral interests. The modern system was not introduced until after the Second World War, in part as a response to requests for a redistribution during the 1930s.

[211] This case study was written by Ron Johnston, David Rossiter, and Charles Pattie for the Administration and Cost of Elections (ACE) Project.

Vivian Committee Recommendations for Redistribution

In 1942, the wartime coalition government established a committee, chaired by Registrar-General Vivian, to consider various aspects of the electoral system, including "the principles on which any [redistribution] scheme should be based." The Vivian committee identified equal representation as the basic principle for a Parliamentary democracy, with constituencies of equal population returning one member each, and set out four salient features to be taken into account during a redistribution:

- the need for a quota constituency, or an average number of electors per electoral district;
- the need for limits of toleration, indicating the allowable population variation around the quota;
- the need for continuity of constituencies, with change being proposed only where necessary so that M.P.'s could build lasting relationships with their constituents;
- the need for constituencies to conform to local government boundaries in order to provide community representation and ease of organisation for elections (which are conducted by local government officers).

Other recommendations suggested a time interval for redistributions and procedures for the four independent commissions to follow. Advice on whether each country should be guaranteed a minimum number of M.P.s was offered by the Vivian committee as well. The latter subject would become the focus of debate for the next fifty years.

The Redistribution Acts of 1944 and 1958

The first House of Commons Act (Redistribution of Seats), enacted in 1944, adopted many of the Vivian committee's recommendations. The act set the limit of toleration at plus or minus 25 percent of the electoral quota. It guaranteed representation for Scotland, Wales and Northern Ireland at their 1944 levels, as well as indicating a desirable maximum number of M.P.'s for Great Britain, thereby implying a maximum for England. The Initial Review of Parliamentary Constituencies, completed in 1947, was based on this act.

Before the review was completed, however, the boundary commissioners claimed that they were unable both to meet the 25 percent toleration limit and respect local government boundaries. The former requirement apparently dominated, since it came earlier in the act's Schedule of Rules. Parliament, however, determined that the "organic" requirement to represent communities should take primacy over the mathematical requirement of equal constituency population. They removed the 25 percent deviation rule and replaced it with a rule that constituencies should "be as near the electoral quota as is practicable." This new rule was placed after and, it was assumed, subsidiary to the rule regarding local government boundaries.

The commissions' First Periodical Reviews of all constituencies were reported in 1954. The 1944 legislation required them to be delivered within five to seven years of the

previous review. This generated consternation among members of Parliament and party organisations, since constituencies were to be substantially changed soon after their creation, contrary to the Vivian committee recommendation on continuity. Thus the government amended the Redistribution Act in 1958, extending the time period between reviews to between ten and fifteen years (since 1992 it has been eight to twelve years).

Although the act was subsequently amended to take account of major local government changes in the 1970s and was then consolidated into a new one, the Parliamentary Constituencies Act of 1986, there were no further changes to the basic principles for redistributions.

Current Rules for Redistribution

For a complete list of the current rules for redistribution, see Election laws or constitutional provisions listing redistricting criteria for selected countries. A summary of the rules are as follows:

- a guaranteed minimum number of seats for Scotland (71) and Wales (35), a maximum and minimum for Northern Ireland (16-18), and a total number of seats for Great Britain (i.e. England, Scotland and Wales) that should not be substantially exceeded (613);
- a requirement that, "so far as is practicable," constituency boundaries should not cross major local government boundaries--although this requirement is less stringent for Scotland and, especially, Northern Ireland;
- a requirement that each constituency's electorate be as near the electoral quota as practicable, within the constraint of the previous rule (commissions may depart from that previous rule to avoid disparities in electorates among neighbouring constituencies);
- a statement that commissions may depart from strict application of the previous two rules "if special geographical considerations, including in particular the size, shape and accessibility of a constituency" make that desirable;
- an indication that the commissions should take into account the inconveniences that may be caused, and the local ties that may be broken, if they give full effect to the "equal electorates" requirement.

The rules include two that, in particular, give the commissions considerable flexibility:

- the commission can over-ride the requirement not to create constituencies crossing designated local government boundaries if this was necessary to avoid major disparities in constituency electorates;
- the use of "special geographical considerations" (of which size, shape and accessibility are cited as particular examples) to justify over-riding both the local government boundary and the equal electorates requirement.

A legal challenge in 1982 to the English commission redistribution claimed that the commission produced constituencies which varied much more than necessary from the electoral quota. This claim was rejected on the grounds that the commission is to recommend to Parliament, and the courts should only query a commission's sovereignty in the very special circumstance that a commission has clearly acted unreasonably. The courts did interpret the rules, however, as giving primacy to the "minimum change" clause added in 1958.

Steps in the Commission Process

Each commission operates in the following way:

1. The commission decides when to initiate a periodic review and announces its intention. (The four commissions are not required to act together, but do, although English redistributions normally take much longer to complete.)
2. Each commission calculates its electoral quota, using the 1986 act formulation--the country's registered electorate on the "qualifying date" (when the review was publicly announced) is divided by its current number of seats.
3. In England, Scotland and Wales, the commissions determine each major local governmental unit's "theoretical entitlement" to seats, dividing its electorate by the electoral quota. (This is not done in Northern Ireland because local government units are not identified in the act.)
4. If some theoretical entitlements would produce constituencies that are very large or very small relative to the quota, two contiguous local government units can be combined to achieve greater equality. (This has rarely happened.)
5. Commission staff prepares a number of optional schemes for constituencies in each local government unit. Local government electoral wards are always used as the "building blocks"--this is not legally required (except in Northern Ireland) but has become the accepted modus operandi.
6. The commission evaluates the options offered and decides which one to put out to public consultation as its provisional recommendation.
7. After the public consultation (see below), the commission assesses the additional information and advice provided by the assistant commissioner who held the inquiry, and decides whether to modify or confirm its provisional recommendations. If it takes the latter course, the provisional proposals become the final recommendations; they are published and included in the final report to Parliament. If the commission decides to change any or all of its provisional recommendations (including a proposed constituency name), however, the changes are published and a further round of public consultation is initiated.
8. When all of the recommendations have been made final, the reports are submitted to Parliament through the relevant secretary of state.

For each constituency, the commission has to recommend a name (which can stimulate considerable local concern) and whether to classify it as a borough or county.

Candidates are allowed to spend more money campaigning in county (rural) than in borough (urban) constituencies.

The Public Consultation Process

Public consultation was included in the nineteenth century redistribution process, but its nature was only formalized in the 1944 Redistribution Act. The 1958 act specified the circumstances in which a local inquiry is mandatory. The stages involved in the public consultation are as follows:

1. The commission publishes its provisional recommendations for a local governmental unit in one or more newspapers circulating in the area, and sends notices to all affected members of Parliament, political parties and local governments, giving details of the recommendations and indicating where maps showing the recommended constituencies can be viewed. Representations are invited within one month of the publication.
2. After the closing date for representations, if objections have been received from either at least one hundred local electors or one interested local authority, then a public local inquiry must be convened. This is chaired by a specially-appointed assistant commissioner (AC), who is invariably a senior lawyer. ACs must have no political affiliations and, in England (though not elsewhere) they must have no detailed knowledge of the area they are assigned.
3. Before the Inquiry, a document is produced summarizing the representations received; a full list of those making representations and the grounds for the recommendations is appended.
4. At the local inquiry, the AC invites those who made written representations to make oral submissions, where they may be questioned by the AC and cross-examined by others who have made representations. Some of those objecting to the provisional recommendations (mainly the political parties) offer alternative configurations for one or more constituencies. Electoral considerations cannot be discussed, but the proceedings are invariably dominated by the political parties and their representatives (including local governments, most of which are politically-controlled). They use the criteria in the rules, especially those concerning community ties and the inconveniences of change, to influence the AC to recommend constituencies to the commission which are in their own electoral interest.
5. On the basis of what has been read and, especially, heard, plus site visits when chosen, the AC's report summarises local opinion on the provisional recommendations, discusses any counter-proposals presented to the inquiry, evaluates the evidence, and recommends whether the commission should change its provisional recommendations.

This process may be repeated if a commission publishes revised recommendations after receiving an AC's report, but a further local inquiry is rare since the commissions will not allow issues already fully covered in the previous proceedings to be reconsidered.

(There were only two second local inquiries in the most recent review, which included eighty-three first inquiries.)

Commissions can also conduct interim reviews to take account of either major local government changes or substantial population changes. Only one significant interim review has been undertaken. In 1990, the English commission recommended an additional constituency for the rapidly expanding new town of Milton Keynes.

Problems with the Review Process

The review process can be quite time-consuming. The latest review took four years to complete in England, with consideration of one county (Devon) taking 1,028 days to complete. More importantly, the rules are ambiguous, with standards that are subjective (such as "as far as practical") and no indication of the relative salience of the various criteria.

Some the particular problems that the rules and procedure create include:

- The guarantee of a minimum number of seats to three of the four countries ensures that they are over-represented relative to England, whose population is growing more rapidly.
- The method of calculating the electoral quota produces a built-in bias towards an increase in the number of seats. This is because constituencies that vary considerably from the electoral quota (because of "special geographical considerations") are included in the denominator, increasing the likely allocation.
- The allocation of theoretical entitlements to local government areas also tends to inflate the number of seats. This is because fractional entitlements are often rounded up rather than down.
- Different commissions can give different weight to the various criteria. For example, in the fourth review, the Scottish commission determined not to create any additional seats (after Parliament expressed a desire for no growth in the number of its members), whereas the Welsh commission created an additional two seats, even though Wales was already substantially over-represented.
- The same commission (especially the English commission, which has the largest task) can weight the criteria differently in different areas, giving an impression of inconsistency.
- The use of the registered electorate rather than the population, although beneficial because the electorate is enumerated annually, means that two to three million people may not be included in the count. The commissions cannot take this undercount into account when allocating seats, which may disadvantage areas with high under-enrolments (mainly inner cities), nor can they take an area's projected population growth into account.
- The local inquiry system allows the political parties to employ the various criteria to press cases which favour their electoral interests, without being

transparent in their reasons and often using very spurious cases. Thus the strength of the advocacy may convince the AC, rather than the merits of the case.

Chapter 15

Case Study: The United States

Peter Watson
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CASE STUDIES

Case Study: The United States of America

Reapportionment and Redistricting in the United States of America

Peter Watson

Congress

The Congress of the United States[212] consists of the Senate and the House of Representatives. The Senate is composed of two members from each State. Under the Constitution of 1787, senators were elected by the state legislature. The Seventeenth Amendment, ratified in 1913, provides that senators are directly elected by the people of each State. Each senator is elected by all citizens of the state, and serves for a six year term.

The number of members of the House of Representatives is prescribed by law. It has been at 435 since 1912. Each State is entitled to at least one representative, and the remaining members are apportioned among the States in accordance with their respective populations, which are determined by a census that the Constitution requires be taken every ten years. The apportionment is made pursuant to a statutory formula.

Reapportionment

Over the years, four different apportionment formulas have been used. From 1790 to 1840, Congress used a method proposed by Thomas Jefferson, sometimes called the "method of greatest divisors," which divided the total population by the number of seats and assigned each State its quota, disregarding any fractional remainder. The number of members was adjusted so that none were left over.

From 1842 to 1850, Congress used a formula proposed by Daniel Webster, sometimes called the "method of major fractions," which gave an additional member to any State whose quota included a fraction greater than one-half. From 1850 to 1910, Congress used a formula that had originally been proposed by Alexander Hamilton for the apportionment of 1790. Under that formula, members were first apportioned according to each State's quota, disregarding any fractional remainders, and then any leftover seats were assigned to the States with the largest fractional remainders. Between 1911 and 1930, Congress reverted to using the Webster method.

After the 1930 census, in accordance with a report from the National Academy of Sciences, Congress adopted the "method of equal proportions." The formula uses the State's population divided by the geometric mean of that State's current number of seats and the next seat (the square root of n(n-1)). This formula allocates the remainders among the States in a way that provides the smallest relative difference between any pair of States in the population of a district and in the number of people per representative. Congress's choice of this method over the other possible methods has been upheld by the U.S. Supreme Court and it remains in use today.

[212] This case study was written by Peter Watson for the Administration and Cost of Elections (ACE) Project.

Redistricting

Each State's quota of representatives must be elected from single-member districts of equal population. Since the earliest days of the republic, redrawing the boundaries of congressional districts after the decennial census has been primarily the responsibility of the state legislatures. Only five States (Hawaii, Idaho, Montana, New Jersey, and Washington) assign the responsibility for redrawing congressional district boundaries to a body other than the legislature.

Each State has its own constitution and laws, and the constitutional requirements for redistricting vary considerably from State to State. What little there is in the way of national law on the subject has been developed over the years in a series of cases decided by the U.S. Supreme Court.

Equality of Population

Following World War I, as the nation's population began to shift from rural to urban areas, many legislatures lost their enthusiasm for the decennial task of redistricting and failed to carry out their constitutional responsibility. As the populations of urban districts grew rapidly and some rural districts even declined, urban areas were denied the political representation their populations warranted. For decades, the U.S. Supreme Court declined repeated invitations to enter the "political thicket" of redistricting and refused to order the legislatures to carry out their duty.

In 1962, however, in the case of Baker v. Carr, the Court for the first time held that the federal courts had jurisdiction to consider constitutional challenges to redistricting plans. The next year, in Gray v. Sanders, Justice Douglas declared: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing--one person, one vote." In 1964, in Wesberry v. Sanders, the Court held that congressional districts must be redrawn so that "as nearly as is practicable one man's vote in a congressional election is ... worth as much as another's." Finally, in 1983, in Karcher v. Daggett, the Court developed a standard of equality for congressional districts that required them to be mathematically equal, unless justified by some "legitimate state objective."

In 1975, Congress acted to facilitate drawing the new districts with equal populations by enacting Pub. L. No. 94-171, which required the Secretary of Commerce to report census results no later than April 1 of the year following the census to the governors and to the bodies or officials charged with state legislative redistricting. It also required the secretary to cooperate with state redistricting officials in developing a nonpartisan plan for reporting census tabulations to them.

Equality of Opportunity for Minorities

When the courts began striking down redistricting plans for inequality of population, thus helping to provide urban areas with the political representation their populations warranted, Congress moved to the next step. In 1965, it enacted the Voting Rights Act to

provide equality of opportunity for racial minorities to vote. Section 2 of the Act prohibited any State or political subdivision from imposing a "voting qualification or prerequisite to voting, or standard, practice or procedure to deny or abridge the right to vote on account of race or color." Section 5 required a covered jurisdiction to preclear any changes in its electoral laws, practices, or procedures with either the U.S. Department of Justice or the U.S. District Court for the District of Columbia before it could take effect. The Justice Department began to use this new authority to require that redistricting plans be precleared before they could take effect.

In 1980, in City of Mobile v. Bolden, the Supreme Court said that a redistricting plan would not be found to violate the Fourteenth Amendment or Section 2 of the Voting Rights Act unless the plaintiffs could prove that its drafters intended to discriminate against them. Congress was swift to react to this new limitation on how to prove racial discrimination. In 1982, after most of the redistricting plans based on the 1980 census had already been enacted, Congress amended Section 2 of the Voting Rights Act to make clear that it applied to any plan that results in discrimination against a member of a racial or ethnic minority group, regardless of the intent of the plan's drafters.

How were the courts to determine whether a redistricting plan would have discriminatory results? In the 1986 case of Thornburg v. Gingles, the Court set forth three preconditions a minority group must prove in order to establish a violation of Section 2:

- That the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district;
- That it is politically cohesive, that is, it usually votes for the same candidates; and
- That, in the absence of special circumstances, bloc voting by the White majority usually defeats the minority's preferred candidate.

If the minority group could establish those three preconditions, it would be entitled to proceed to the next step: proving a Section 2 violation by "the totality of the circumstances." Those circumstances would have to show that the members of the minority group had "less opportunity than other members of the electorate to participate in the electoral process and to elect representatives of their choice."

What did that mean, "less opportunity?" In North Carolina, where Gingles arose, it meant that multimember districts where Blacks were in the minority and had been unable to elect candidates to office had to be replaced with single-member districts where Blacks were in the majority. To the rest of the country, and to the state legislatures and commissions who were going to be drawing new districts after the 1990 census, it meant that wherever there was a racial or ethnic minority that was "sufficiently large and geographically compact to constitute a majority in a single-member district," the State would have to draw a district for them or risk having the plan thrown out, even if the State acted without any intent to discriminate.

Being forewarned of the effects of Section 2, drafters of redistricting plans after the 1990 census went to great lengths to draw majority-minority districts wherever the minority population counts seemed to justify it. In States where redistricting plans could not take effect until they had been precleared by the Justice Department, the Justice Department

encouraged the State to draw districting plans that created new districts where members of a racial or language minority group (primarily African Americans or Hispanics) were a majority of the population. These new "majority-minority" districts were intended to protect the States from liability under Section 2 for failing to draw districts that the minority group had a fair chance to win.

As States drew and submitted their redistricting plans to the Justice Department, they discovered that the Justice Department had little concern that majority-minority districts be compact. In some cases, the Justice Department refused to preclear a plan unless the State "maximized" the number of majority-minority districts by drawing them wherever pockets of minority population could be strung together. As the plans were redrawn to obtain preclearance, some of the districts took on bizarre shapes that caused them to be labeled "racial gerrymanders."

The racial gerrymanders were attacked in federal court for denying White voters their right to equal protection of the laws under the Fourteenth Amendment to the U.S. Constitution. The U.S. Supreme Court publicly rebuked the Justice Department for its maximization policy and held that a racial gerrymander must be subjected to "strict scrutiny" to determine whether it was "narrowly tailored" to achieve a "compelling state interest" in complying with Section 2. Many of the racial gerrymanders were struck down by the federal courts because their drafters had not followed "traditional districting principles," such as keeping districts compact, not splitting political subdivisions, and preserving communities of interest. These states then redrew the districts once again.

Traditional Districting Principles

For the round of redistricting that will follow the 2000 census, each State must decide for itself which "traditional districting principles" to adopt as its own when drawing congressional districts. None are required by federal law, except as evidence that the State has not used race as its "predominant motive" when drawing a district that a minority candidate has a fair chance to win. However, some “traditional redistricting principles” are required by a State's own constitution, and many others have been adopted by law or resolution since the 1960s to help defend the new redistricting plans against possible challenges in court.

The districting principles used by each State in the 1990s are shown in the table below. (This table is a copy of a table that appears as Table 5 in Redistricting Law 2000, a publication of the National Conference of State Legislatures, Denver, Colorado, 1999.) They include requiring that districts be composed of contiguous territory, making districts geographically compact, respecting the boundaries of political subdivisions, preserving communities of interest, preserving the cores of prior districts, and avoiding contests between incumbent representatives.

Table 15.1: 1990s Districting Principles Used by Each State (in addition to population equality)

State	Compact	Contiguous	Preserve Political Subdivisions	Preserve Communities of Interest	Preserve Cores of Prior Districts	Protect Incumbents	Voting Rights Act
Alabama	C, L	C, L	C, L	C, L	C, L		C, L
Alaska	L	L	L	L			
Arkansas			C, L		C, L	YC, YL	C, L
Arizona	C, L	C, L					C, L
California		L	L				
Colorado	L		L	L			L
Connecticut		L	L				
Delaware		L				NL	
Florida		L					
Georgia		C, L	C, L		C, L	YC, YL	C, L
Hawaii	L	L	L	L		NL	
Idaho	C, L	C, L	C, L	C, L		NC, NL	C, L
Illinois	L	L					
Indiana		L					
Iowa	C, L	C, L	C, L			NC, NL	C, L
Kansas	C, L	C, L	C, L	C, L	C	NL	L
Kentucky		C	C	C	C		C
Louisiana	L	L	L		L		
Maine	L	L	L				
Maryland	C, L	C, L	C, L	C, L	C, L	YC, YL	C, L
Massachusetts		L	L				
Michigan	L	L	L				
Minnesota	C, L	C, L	C, L	C, L			C, L
Mississippi	C, L	C, L	C, L				C
Missouri	C, L	C, L	C	C	C		C
Montana	L	L	L	L		NL	L
Nebraska	C, L	C, L	C, L	C, L		NC, NL	C, L
Nevada	C, L	L	C, L	L			C, L
New Hampshire		L	L				
New Jersey	L	C, L	L		C		C
New Mexico	L	L	L				
New York	L	L	L				
North Carolina		C, L	C, L		C	YC	C, L
North Dakota	L	L	L				
Ohio	L	L	L				
Oklahoma	L	L	L	L			
Oregon		C, L	C, L	C, L		NC, NL	C, L
Pennsylvania	L	L	L				
Rhode Island	L						
South Carolina	C, L	C, L	C, L	C, L	C, L	YC, YL	C, L
South Dakota	L	L	L				L

State	Compact	Contiguous	Preserve Political Subdivisions	Preserve Communities of Interest	Preserve Cores of Prior Districts	Protect Incumbents	Voting Rights Act
Texas		L	L				C, L
Utah	C, L	C, L	C, L	C, L		NC, NL	
Vermont	L	L	L	L		YL	
Virginia	C, L	C, L	L	L		YL	L
Washington	C, L	C, L	C, L	C, L		NL	
West Virginia	C, L	C, L	C, L				
Wisconsin	L	L	L				
Wyoming	C, L	C, L	C, L	L		NL	L

Key:
C = Required in congressional plans
L = Required in legislative plans
NC = Prohibited in congressional plans
NL = Prohibited in legislative plans
YC = Allowed in congressional plans
YL = Allowed in legislative plans
Note: A few states used additional districting principles, such as "convenience" (Minnesota), "understandability to the voter" (Hawaii, Kansas, Nebraska), and "preservation of politically competitive districts" (Colorado).

Reporting the Census

The total population of each State is reported to the President by December 31 in the year of the census. The population of each State's minor civil divisions, such as counties, cities, and towns, and its census tracts and blocks, is reported to the state officials responsible for redistricting before April 1 in the year following the census. New districts are drawn in time for the next general election, which occurs in the year ending in two.

Drawing the Boundaries

Except in the six States that use redistricting commissions, the new districts are drawn by the state legislature and enacted in the form of a bill. The enactment of the bill is subject to whatever public hearing requirements may apply in the State. In every state legislature but Iowa, enactment of the bill is an intensely partisan issue, with the majority party attempting to gain a political advantage through the way the lines are drawn. Partisan gerrymandering is thus a fact of life in most American congressional redistricting. Equal population requirements and other "traditional districting principles" are limits the federal courts and state constitutions have imposed to restrain this natural tendency to gerrymander.

Role of the Courts

Where the majority has gone too far, or where partisan differences between the two houses of a state legislature, or between the legislature and the governor, look like they may prevent the legislature from enacting a redistricting bill in time for the general election in the year ending in two, any resident of a malapportioned district may bring suit in state or federal court and ask the court to correct an enacted plan or adopt a plan if none has been enacted. A federal court must defer to a state court, and both must defer to a legislature that is actively engaged in adopting a plan, but if the legislature fails to meet reasonable deadlines imposed by the court, the court may impose a redistricting plan of its own, to be effective until adoption of a valid plan by the legislature.

Chapter 16

Case Study: Yemen

Dr. Lisa Handley
January 2004

Case Study: Yemen

Assessing the Feasibility of Computer-Assisted Constituency Delimitation

Dr. Lisa Handley • January 2004

The Yemeni Supreme Commission for Elections and Referendum (SCER) is considering the use of Geographic Information Systems (GIS) computer technology for constituency delimitation prior to the 2006 elections. Because the Central Statistics Office (CSO) is in the process of producing the necessary electronic database for Yemen, utilizing GIS for delimitation is feasible. If GIS is to be employed for delimiting constituency boundaries in 2005, however, plans for its use must begin immediately.

Background

The Republic of Yemen has a First-Past-the-Post electoral system with a bicameral legislature consisting of the Shura Council (a consultative body with 111 members appointed by the President) and a House of Representatives. The 301 members of the House of Representatives are elected from single-member constituencies in plurality elections. The most recent parliamentary elections were held in April 2003.[213]

According to official 2003 results, the ruling General People's Congress (GPC) received 58.2 percent of the vote, and won 230 (76.4 percent) of the 301 seats.[214] In addition to the disparate seats-to-votes ratio, an examination of the election results indicates that, despite a population quota of slightly over 60,000 persons per constituency – the equivalent of approximately 26,700 eligible voters per constituency in Yemen – some constituencies were found to contain more than 50,000 voters.[215]

Among the recommendations offered by such international non-governmental organizations as National Democratic Institute (NDI) and IFES following the 2003 parliamentary elections was that constituency boundaries be redrawn following the 2004

[213] The 2003 elections were the third parliamentary elections held since the unification of Yemen in 1990; previous parliamentary elections were held in 1993 and 1997.

[214] The General People's Congress (GPC) holds 240 seats (79.7%) in total because ten of the independents who ran and won in 2003 later affiliated themselves with the GPC.

[215] See "IFES Post-Electoral Assessment: Yemen April 27, 2003 Parliamentary Elections," prepared by the IFES office in Yemen. Later figures from the Supreme Commission for Elections and Referendum (SCER) show ten constituencies had 40-50,000 registered voters, seven had 50-60,000 and one had 70,109. The lowest number of registered voters in a constituency was 9,980. The SCER's official estimate of the population in 2002 (based on a projection of the 1994 census) was 18,192,000; therefore, the population quota was 60,439 (18,192,000 ÷ 301). The average number of eligible voters per constituency should have been much less: the percentage of the population 18 years and older, according to UNICEF, was approximately 44% in 2002; hence, the average number of eligible voters per constituency was about 26,700. [UNICEF reports that 55.8% of the Yemeni population was less than 18 years of age in 2002; therefore, somewhat less than 44.2% of the total population should have been eligible to vote (assuming there are some non-citizens included in the population count). On the other hand, UNICEF estimates a total population of 19,315,000 in Yemen in 2002; if this estimate is more accurate than the population estimate employed by the SCER, then the number of eligible voters per constituency could be as high as 28,400 – still nowhere near the number of registered voters in some constituencies.]

Yemeni census. This is necessary to bring constituency populations into compliance with Yemeni constitutional and electoral law.[216]

The 2002 Delimitation Process

In May and June of 2002 (in anticipation of the 2003 parliamentary elections), the Supreme Commission for Elections and Referendum (SCER) delimited Yemen into the requisite 301 parliamentary constituencies.[217] The Constitution (Article 63) requires constituencies "equal in number of population with a variation of not more than five percent plus or minus."[218] In addition, the electoral law obliges the SCER to take into account "geographic and social considerations" when creating parliamentary constituencies.[219]

According to the SCER, the factors considered during the 2002 delimitation – besides population – included geographical features that formed natural barriers, such as mountains and rivers, and the following social factors:

- administrative subdivisions referred to as *ozal* (singular: *ozla*) were not divided between constituencies, if possible;[220]
- villages with an historical animosity towards one another (*tha'ar*) were not included in the same constituency, if possible.

The SCER began the delimitation process by dividing each of the 332 administrative divisions (modiriya) into local constituencies.221 The only established legal criterion for

[216] See "April 27, 2003 Parliamentary Elections in Yemen: Final Report" prepared by the National Democratic Institute for International Affairs and "IFES Post-Electoral Assessment: Yemen April 27, 2003 Parliamentary Elections," prepared by the IFES office in Yemen.

[217] Article 24 of the General Elections and Referendum Law (2001) assigns the responsibility for determining the boundaries of electoral constituencies – both the parliamentary constituencies and the local constituencies – to the Supreme Commission for Elections and Referendum.

[218] The Constitution requires equality of total population rather than, for example, equality of voting age population or registered voters.

[219] Article 24 (a) of the General Elections Law provides that constituencies shall be "based on the principle of equal population and taking into consideration social and geographic factors." [Unofficial English translation]

[220] Although *ozal* are not necessarily unified by tribal/clan ties, if an *ozla* was united in this manner, the SCER attempted to keep the *ozla* intact within a single constituency.

[221] The 20 governorates of Yemen are divided into 332 administrative divisions. According to the local authority law passed in 2000, the number of local constituencies per administrative division is to range from 18 to 30, depending on the total population of the administrative division:

population of administrative division	*number of constituencies*
35,000 or less	18
35,000 – 75,000	20
75,000 – 150,000	26
150,000 or more	30

the delimitation of local constituencies is that the populations of the constituencies within an administrative district should not vary by more than plus or minus five percent from the population quota for that district.[222]

The local constituencies usually perform the dual purpose of electing representatives to the local government councils (there are 332 local government councils – one for each administrative division) and serving as voting centers for casting and counting ballots. However, it appears that in some administrative divisions, local constituencies have been combined to create a single voting center, while in other administrative divisions local constituencies have been divided into more than one voting center.[223] See Table 16.1 below for the number of local constituencies and the number of voting centers by governorate.

Table 16.1: Number of Administrative Divisions, Parliamentary and Local Constituencies, and Voting Centers by Governorate

Governorate	Number of Administrative Divisions	Number of Parliamentary Constituencies	Number of Local Constituencies	Number of Voting Centers
Sana'a City	10	19	179	179
Aden	8	10	130	130
Taiz	23	39	494	488
Lahj	15	12	280	282
Ibb	20	36	488	490
Abyan	11	7	197	194
Al-Baidha'a	20	10	285	291
Shabwa	17	6	211	199
Al-Mahra	9	2	74	74
Hadhrmout	30	18	365	365
Al-Hodeida	26	34	515	515
Thamar	12	21	297	297
Sana'a	21	20	423	414
Al-Mahweet	9	8	167	167
Hajja	30	20	521	515
Sa'ada	15	9	181	181
Al-Jawf	12	5	160	160
Amran	20	15	354	369
Al-Dhale'a	9	7	161	172
TOTAL	332	301	5,620	5,620

It appears, however, that the number of constituencies allocated to administrative divisions is substantially less than the minimum requirement of 18 local constituencies in many instances: if all 332 administrative divisions had been assigned even the minimum number of constituencies (18), there would have to be at least 5,976 local constituencies created. In fact, however, only 5,620 local constituencies currently exist.

[222] Article 24 (b) of the General Elections Law requires a population variation of not more than plus or minus 5 percent.

[223] The number of voting centers is less than the number of local constituencies in the governorates of Taiz, Abyan, Shabwa, Sana'a, and Hajja; and the number of voting centers exceeds the number of local constituencies in Lahj, Ibb, Al-Baidha'a, Amran, and Al-Dhale'a.

The 5,620 local constituencies/voting centers created by the SCER were then used as building blocks for drawing the 301 parliamentary constituencies. These 301 single-member constituencies were used to elect representatives to Parliament in April 2003.

The SCER used paper maps (topographical maps of the administrative divisions) with acetate overlays to draw the local and parliamentary constituency boundaries. Estimates of constituency populations were based on projections of the 1994 census. As a result of employing these manual techniques, the only maps that exist of the current local constituency boundaries are the acetate overlay maps that are housed at SCER headquarters. Moreover, the population estimates for the constituencies are only rough approximations of the actual population contained within the constituency boundaries.[224]

Once provisional maps of the constituencies were completed, field work was conducted to ensure that the constituency boundaries took into account local geographic and social considerations. Local officials were asked to review the maps, solicit comments and offer suggestions if the boundaries were problematic. As a result of this field work, some changes were made to the provisional constituency boundaries. The final constituency boundaries were established by the SCER in the summer of 2002.

The entire delimitation process took approximately three months and involved about 60 SCER staff members and as many as 900 officials in the field. The cost of the 2002 delimitation was estimated by the SCER to be approximately US$2 million.

The 2005 Delimitation Process

The SCER anticipates redrawing constituency boundaries following the release of new census data in mid-2005.[225] Local elections are to be held in September 2006; therefore the delimitation process must be completed by the end of 2005 (before voter registration for the 2006 election commences).

The SCER hopes to have to make only “minor” or “technical” adjustments to the 2002 constituency boundaries to comply with the requirement that constituency populations deviate no more than plus or minus five percent. Assuming only minor adjustments, the SCER has indicated that it does not plan to go back into the field to solicit comments on the constituency boundaries.

There are at least two reasons to be skeptical about only minor adjustments to constituency boundaries being required: First, relating the 2004 census data to the 2002 constituency boundaries is liable to uncover substantial population deviations across constituencies since the SCER had to use less-than-reliable (especially at lower levels of

[224] Constituency population estimates often had to rely on projections of the 1994 census to the local (i.e., village) level – projections that are particularly likely to be unreliable, especially given the lack of data on population migration.

[225] A census of the population is conducted every ten years in Yemen. The last census was done in 1994; the next census is scheduled for December 2004. The Central Statistics Office (CSO) anticipates releasing the census data in mid-2005, assuming they are successful in obtaining the updated versions of the software (ESRI ArcView and Oracle) they are currently seeking.

geography) projections of the 1994 census for their population data. Second, if the Ministry of Local Authorities revises the boundaries of the 332 existing administrative divisions, at minimum, local constituencies will have to be redrawn for any reconfigured administrative divisions.[226]

The SCER would like to utilize GIS for the upcoming delimitation process. There are a number of reasons for supporting the SCER in this effort:

- GIS technology could generate a more efficient, accurate, and cost-effective (at least in the long term) delimitation process.
- GIS technology could assist the SCER in meeting such constitutional and legal delimitation requirements as equal population and consideration for geographic and social factors when drawing constituency boundaries.
- GIS technology could foster greater transparency in the delimitation process by permitting the easy production of maps and reports that can be used by interested stakeholders to evaluate and comment on proposed constituency plans.
- GIS offers the potential for producing a "fairer" constituency plan – one that optimizes established delimitation criteria such as population equality and consideration of geographic and social factors at the expense of other, less appropriate, factors such as the potential political consequences of the plan.
- GIS may have additional uses in election administration: for example, GIS can be used to assign eligible voters to the correct voting center.

Using GIS for Delimiting Constituencies in Yemen

The SCER utilized manual techniques – paper maps with acetate overlays, colored markers, and calculating machines – for the 2002 delimitation exercise. Although the process was completed in a timely manner, it required a very large staff to accomplish this. Furthermore, very little information about the constituencies was produced, and even less information was made available to interested stakeholders (i.e., members of Parliament, political parties, NGOs and interested voters).

Adopting GIS technology would expand the information available to the SCER. It would allow the SCER to:

- create constituency plans much more rapidly: a plan would be created interactively by assigning geography to constituencies piece by piece and seeing the results of the assignment displayed on the computer screen immediately;

[226] Information on the possible redrawing of administrative boundaries (i.e., the number of divisions likely to be affected and the time table for the project) was not available at the time this report was prepared. The SCER should keep in mind that a revision of administrative district boundaries could impact on the delimitation process.

- produce maps – both on the screen and, if desired, on paper – of the constituency plan as each piece of geography is assigned and, of course, once a plan is completed;
- generate statistical reports summarizing delimitation plans for evaluation purposes.

Creating an Electronic Database If GIS technology is to be used for drawing district lines, an electronic database must be created. This database must include, at a minimum, population data (i.e., census enumeration data or voter registration data) and the maps associated with the geographic units for which the population is reported. As the Yemeni constitution requires the "population" of constituencies to be equal (and not, for example, the number of voters or registered voters), census data and maps of the census enumeration areas will have to be included in the electronic delimitation database.

The most common obstacle to using GIS for delimitation purposes is the lack of computerized maps for the relevant geographic units. This will not pose a problem in Yemen, however: the Central Statistics Office (CSO) is currently in the process of digitizing census geography down to the smallest unit for which census data will be reported, the census enumeration area. If the SCER is willing to use enumeration areas as the building blocks for creating constituencies, then computerized maps and the associated population data will presumably be available from the CSO for use by the SCER.

In addition to maps of the census enumeration areas, other maps that would prove useful in delimiting constituencies in Yemen include: administrative boundaries (such as governorate boundaries, administrative division and subdivision boundaries), major physical features such as mountain ranges and rivers, and existing constituency boundaries.

Some of the administrative boundaries have been embedded in the CSO database; for example, governorate and administrative division boundaries can be found within the database.[227] In addition, some physical features will be demarcated in the CSO database.

Incorporating existing constituency boundaries into the delimitation database, however, will be one of the most challenging tasks facing the SCER. The boundaries of the current local constituencies can be added to the electronic CSO database by either (1) assigning entire census enumeration areas to constituencies in a manner that approximates current local constituency boundaries but does not follow the constituency boundaries exactly, or by (2) re-creating the local constituency boundaries precisely by electronically "splitting" census enumeration areas and estimating the associated population for the split portions of the census enumeration area.[228] The latter approach

[227] However, other boundaries (such as administrative subdivision boundaries) would have to be digitized if they are to be included in the delimitation database.

[228] The boundaries of the census enumeration areas are unlikely to follow the boundaries of the currently existing constituencies since no reference was made to the electoral constituency boundaries when the CSO established the census enumeration areas.

is more time-consuming, and will produce only estimates of the population encompassed within a constituency. On the other hand, only the latter approach will produce an exact delineation of the current constituency boundaries.

Drawing New Constituency *Boundaries* Once the electronic delimitation database has been prepared, including the delineation of the current constituency boundaries by one of the means described above, a new delimitation plan can be drawn. This is accomplished by moving geographic units (census enumeration areas) from one constituency to another until all of the constituencies in the plan meet the predetermined districting criteria. GIS technology would speed up this process enormously by re-tabulating the population automatically, and instantly, each time a new assignment of territory is made and by displaying the results of the tabulation, along with the new constituency map, on the computer screen.

Evaluating Constituency Plans If the SCER employs GIS to delimit constituencies, the software will facilitate the production of maps and reports, which can then be used to determine compliance with such criteria as:

- population equality;
- geographic considerations such as mountains, rivers and other physical features that form natural barriers;
- respect for existing governmental units such as administrative divisions, as well as administrative subdivisions if these are digitized.

If GIS software is used to create a constituency plan, then producing a statistical report listing the population of each constituency, as well as the percent by which that constituency's population deviates from the population quota, is a very simple matter. GIS technology also permits the overlay of maps displaying administrative division boundaries and physical features such as mountain ranges and rivers on the map of the constituency boundaries. These reports and maps could serve as tools for the SCER to evaluate any proposed constituency plans. Furthermore, if the SCER released these reports and maps, interested stakeholders could also evaluate proposed constituency plans.

Advantages and Disadvantages of Using GIS Using GIS offers a number of important benefits, all of which have been discussed above. But there are drawbacks to using GIS – and it is important to consider both the advantages and the disadvantages of GIS when contemplating using GIS for delimitation. The table below lists some of the major advantages and disadvantages associated with GIS:

Table 16.2 : Advantages and Disadvantages of GIS

Advantages of GIS	Disadvantages of GIS
• GIS technology may produce a more efficient, accurate, and more cost-effective delimitation process. • GIS technology could assist the SCER in meeting such constitutional and legal delimitation requirements as equal population and consideration for geographic and social factors when drawing constituency boundaries. • GIS technology could foster greater transparency in the delimitation process by permitting the easy production of maps and reports that can be used by interested stakeholders to evaluate and comment on proposed constituency plans. • There is potential for producing a "fairer" constituency plan – one that optimizes established criteria such as population equality – by using the evaluation tools found in most GIS packages. • GIS may have additional uses in election administration: for example, GIS can be used to assign eligible voters to the correct voting center.	• The financial cost associated with acquiring GIS capabilities for delimitation may be prohibitively high. • It may be difficult to find and train qualified personnel to operate the GIS software – which has important implications not only for setting up the system but for sustaining it as well. • Poorly managed GIS could result in a delimitation process that is actually *less* efficient, *less* effective and *less* timely than a process employing manual techniques (at least in the short run). • Improperly used, GIS could allow users to manipulate the delimitation process, and ultimately, the outcome of elections.

Cost of Using GIS: Hardware, Software and Staffing The cost of using GIS for delimitation varies dramatically depending on the availability of electronic maps and the associated population data. If electronic data and digitized maps of the entire country are available – as they are in Yemen – the costs associated with adopting GIS are much lower. In fact, it is only because the CSO is in the process of creating the necessary database that the SCER can even contemplate using GIS technology for the upcoming delimitation exercise.

The SCER must still purchase the necessary hardware and software, and train qualified staff to use the GIS system, however – and this will not be inexpensive. The SCER should plan on spending in the neighborhood of US$150,000 to $200,000 for hardware, software (including license) and training.[229]

[229] If the SCER works cooperatively with the CSO to purchase the required GIS software and training, the overall financial cost is likely to be higher (i.e., the software license will be more expensive), but the cost, as well as the benefit accrued, will be shared by both agencies. Furthermore, cooperation with the CSO is likely to yield additional benefits – at a minimum it is likely to provide the SCER with access to the GIS expertise the CSO has already developed.

Potential Mismanagement of GIS GIS technology can be mismanaged, resulting in a disorganized, inefficient and delayed delimitation process. Detailed planning, adequate training and ample time and resources must be devoted to the endeavor if GIS is to be successfully incorporated into the delimitation process.

Potential Misuse of GIS Not only can GIS software be mismanaged, it can be misused: GIS technology could, at least in theory, make it easier for a ruling party to manipulate constituency boundaries so as to retain control of the Parliament even after the majority of the voters have ceased to support the party. In the United States, for instance, state legislatures assigned the responsibility for redrawing constituency boundaries often include political data (i.e., election results) in the delimitation database so that the political implications of proposed constituency configurations can be taken into account when drawing constituency boundaries.[230]

However, political considerations are not included among the factors which the law requires the SCER to consider in drawing constituency boundaries. Moreover, including political data in the GIS database in Yemen would be very difficult because the units for which political data are available (election results are reported for voting centers) are not the same geographic units that would be employed for delimitation (census enumeration areas will have to be used to draw constituencies). But to ensure that the insertion of political data is not even contemplated, the electoral law could be revised to expressly prohibit the use of political data during delimitation. Yemen would not be unique in adopting this approach; many countries have expressly forbidden boundary authorities from considering political data when drawing constituency boundaries.[231]

Article 159 of Yemen's Constitution establishes the SCER as an 'independent and neutral' body. GIS would assist the SCER to demonstrate that it undertook boundary delimitations in a non-partisan manner if it:

- made the GIS-produced maps and statistical reports associated with provisional constituency plans readily available;
- instituted a public hearing process to allow interested stakeholders to comment on provisional plans; and
- took stakeholders' comments into account when modifying provisional plans to produce a final constituency plan, and published its reasons for modifying the provisional plans.

[230] In the United States, the constituency plans for most states are drawn by state legislatures despite a very clear conflict of interest. Moreover, the inclusion of political data in the delimitation database, and even the outright manipulation of boundaries for political benefit, has been deemed legal by the U.S. courts.

[231] For example, boundary commissions in the United Kingdom (England, Northern Ireland, Scotland and Wales), Canada, and Australia have all been prohibited from considering political factors when promulgating a constituency plan.

Conclusion

GIS technology offers the SCER a tool for implementing a more efficient, accurate and cost-effective delimitation process in 2005. GIS technology will produce a constituency plan that is far more likely to meet such constitutional and legal delimitation requirements as equal population and consideration for geographic and social factors; furthermore, this technology could be used to promote greater transparency in the delimitation process. The extent to which GIS technology can "democratize" the delimitation process, however, depends on how much information the SCER is willing to share with interested stakeholders and how open the delimitation process will be to public input.

If GIS is to be utilized for the 2005 delimitation, then plans for its use must begin immediately. The Appendix outlines, in very broad strokes, the steps that would have to be taken to implement GIS and proposes a tentative schedule. At least two possible impediments to the schedule have been identified, however:

1. If the Ministry of Local Authorities redefines the 332 administrative divisions for which local constituencies are devised, and if this process is not completed by mid-2005, then proceeding with delimitation on schedule would be impossible. (Also, if administrative division boundaries were to change substantially, the delimitation process would take longer because the SCER would, in essence, have to begin from a blank slate, rather than simply modifying existing local constituency boundaries.)
2. The Central Statistics Office must be willing and able to release the digitized census enumeration area maps by April 2005, and the population data associated with these enumeration areas no later than July 2005. The failure of the CSO to release this information in a timely manner would make proceeding on schedule difficult, if not impossible. It should be noted that the CSO considers it essential to have updated versions of the Oracle and ESRI ArcView software currently being used to meet its proposed release dates; if the CSO is unable to acquire these updates, the release date could be moved back several months.

Recommendations

- The SCER should be supported in its effort to employ GIS technology in the upcoming delimitation exercise. Utilizing GIS in conjunction with the electronic database currently being constructed by the Central Statistics Office offers the SCER an opportunity to delimit constituencies more efficiently and more accurately. As a result, the process is likely to produce a constituency plan that meets such constitutional and legal delimitation requirements as equal population and consideration for geographic and social factors.
- The SCER should be strongly encouraged to use GIS technology to generate a more transparent delimitation process. The SCER should release statistical reports and maps associated with any provisional plans and should hold public hearings to solicit comments on the provisional plans. The process could be managed by permitting only comments directly related to the

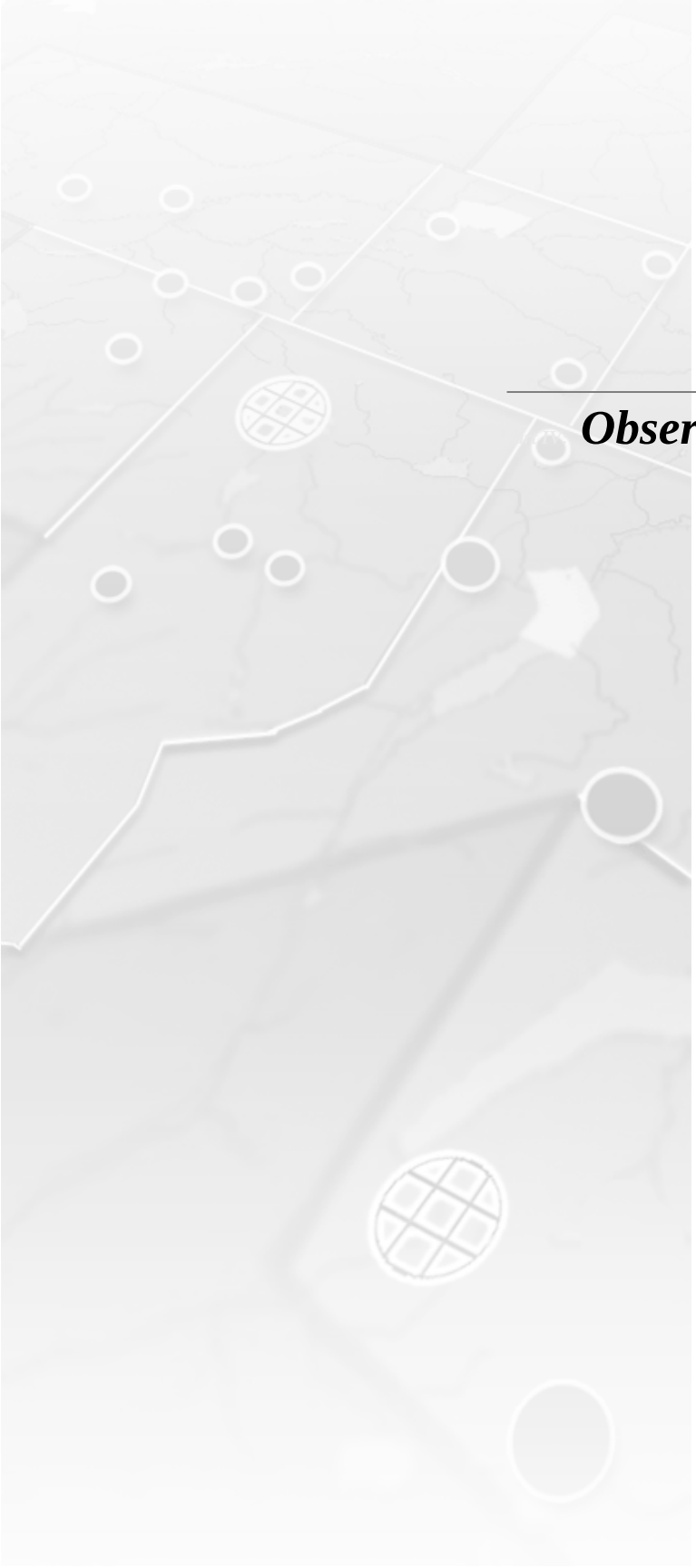
established delimitation criteria (population equality, geographic and social considerations).

- Consideration should be given to expanding the electoral law on constituency delimitation. In particular, a stipulation that delimitation occur on a regular schedule and that census data be utilized for the task would be appropriate (i.e., a delimitation of constituency boundaries should follow every decennial census and should rely on census enumeration counts for population data). Other supplements to the electoral law might include an express prohibition against incorporating political/partisan information in the delimitation database, and a requirement that the SCER consider stakeholders' comments on provisional boundaries before producing the final delimitation.

Appendix: Yemen

Appendix: Proposed Stages for Implementing GIS and Delimiting Local Constituencies

Activity	Proposed Schedule
Planning Stage	*September – December 2004*
• Assess hardware/software/training needs	
• Prepare budget and schedule	
Acquisition and Training Stage	*January – March 2005*
• Acquire necessary hardware/software	
• Train staff on GIS (possibly hire additional staff)	
Database Development Stage	
• Phase I: obtain electronic census enumeration area maps from Central Statistics Office	*April 2005*
• Phase II: draw boundaries of current local constituencies using census enumeration areas	*April – June 2005*
• Phase III: obtain population data associated with census enumeration areas from Central Statistics Office	*July 2005*
Provisional Map Drawing Stage	*August – September 2005*
• Modify current constituency boundaries to create provisional map that meets established criteria	
• Produce paper maps and statistical reports for provisional map	
Public Hearing Stage	*October 2005*
• Organize public hearing schedule (locations, dates)	
• Disseminate maps and statistical reports (provisional map)	
• Hold public hearings to solicit comments	
Final Map Drawing Stage	*November – December 2005*
• Modify provisional map based on public hearing comments	
• Create final map of local constituency boundaries	
• Produce written report, with maps and statistics	



PART IV

Observing Delimitation

Chapter 17

Observing Delimitation

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September 2005

Observing Delimitation

Horacio Boneo • September 2005

There is one component of the electoral process that is seldom monitored effectively, despite its possible impact on the election outcome: the delimitation of electoral constituencies. Why is it so important to observe delimitation? The answer is quite simple: because the delimitation of constituencies provides the single most important opportunity to manipulate the election outcome, short of straightforward cheating. But international observers rarely observe the delimitation process, at least in more than a very cursory manner. And very little has been written on observing this aspect of the electoral process. This paper discusses how this might be rectified, offering a practical guide to monitoring the delimitation process for international and domestic election observers.

Current trends in election observation

Different organizations employ distinct approaches to the observation of elections, but most of them can be categorized in two types, both of which attempt to observe the basic principles of comprehensiveness, accuracy, and respect for national sovereignty in different ways.[232]

The first approach is a long-term observation model and corresponds roughly to the practices employed in important cases by the UN, the OAS, the European Union, and the Organization for Security and Cooperation in Europe. A large-scale, expensive approach that begins three to four months before Election Day, it requires the permanent presence of a significant number of observers throughout the electoral process in all main regions of the country. This approach aims to deploy direct observers of events and to achieve comprehensive, chronological and geographical coverage. Such an observation model begins with a short preparatory mission, after which a core team of substantive and administrative staff is deployed. The core team includes electoral specialists, who follow the initial stages of the electoral process, and administrative and logistic specialists, who facilitate the deployment of long and short-term observers. The next stage is the deployment of long-term observers throughout the country, who will follow the electoral campaign and events in their regions. A much larger number of short-term observers arrive a week or so before the election, so that a representative number of polling stations can be visited and a quick count can be conducted. After the elections, a smaller number of observers remain to observe the counting of votes, allocation of seats, and other post-electoral activities.

[232] A third, and rather frequently used approach, is called "election-day observation." Under it, observers conduct a short visit, usually arriving a few days before Election Day and leaving the day after the elections. Although much vilified, this approach can be effective when conducted by people with in-depth knowledge of the country who have followed the evolution of the electoral process through indirect channels. If the election-day observers are academics and professionals who specialize in the country, keep informed of events, and have substantive political and electoral knowledge, they might be effective judges of the adequacy of the electoral process given only a short observation period. Unfortunately, these conditions are rarely met, and practice is far different from this ideal description.

The second approach is a short-term observation model and corresponds roughly to the practice of the Commonwealth, the Carter Center, the Center for Democracy, and other non-governmental organizations. It requires far fewer resources than the first approach, since it aims to observe only the last stages of the electoral campaign, the events of election day, the counting of votes, and (in some cases) the registration of voters. Information concerning other aspects of the electoral process is gathered indirectly through detailed fact-finding visits with electoral authorities, the government, political parties, and other relevant people. Some organizations establish a small permanent office to carry out these functions, keep headquarters informed of developments, and make arrangements for the visits of the fact-finding missions. This approach requires considerable political and electoral experience in fact-finding missions. In most cases, organizations following this approach also deploy people with substantial experience in election-day observation. For example, the Commonwealth relies on parliamentarians, members of electoral commissions, and the like. Since this approach places more emphasis on qualitative (rather than quantitative) observation, the size of its missions tends to depend on the availability of resources.

Organizations involved in electoral observation might take substantially different approaches, but they all would probably agree that coverage should be comprehensive. Both approaches described (but particularly the long-term one) usually define "comprehensiveness" in chronological and geographical terms. The long-term approach deploys observers earlier in the process and to more places, while in the short-term approach comprehensiveness is achieved through periodic visits and extensive interviewing.

However, "comprehensiveness" can also be defined functionally in relation to the activities that are part of the electoral process, which can be the targets of the observation efforts. The functional deconstruction of the observation process makes possible a more nuanced analysis of methodological approaches and resource requirements. Although there might be disagreement about the selection of observation targets, the following 15 are widely identified by experienced observers:

1. Existence of an enabling environment
2. Legal framework of electoral process
3. Delimitation of constituencies
4. Registration of voters
5. Registration of political parties, alliances, and candidates
6. Impartial complaint procedures during the pre-polling period
7. Voter information and education
8. Freedom of assembly and movement
9. Freedom from fear and intimidation
10. Freedom of expression and equitable access to the media
11. Funding of campaigns and use of public resources
12. Electoral preparations
13. Polling

14. Vote counting and compilation of results
15. Adequate processing of post-electoral complaints and petitions

The observation of the delimitation of constituencies and the specific suggestions for measurement that are developed in the following sections of this paper are part of this functional approach to election observation. Its obvious advantage is that it allows separate discussion of the techniques and resource requirements for the observation of each component of the electoral process. However, it is always necessary to understand the observation of isolated electoral components within the framework of the overall electoral process, a subject that will be covered in the last section of this document.

Electoral systems and delimitation of constituencies

The relative importance of constituency delimitation differs significantly according to the electoral system in use. We will comment briefly on the requirements of different electoral systems, using the categorization of electoral systems proposed in the Administration and Cost of Elections (ACE) Project. The ACE project proposes three broad categories:

- **Plurality-majority,** including the first-past-the-post (FPTP) system, two-round systems, the block vote system and the alternative vote system;,
- **Proportional representation, including** list proportional representation (list PR), the mixed member proportional (MMP) system and the single transferable vote (STV) system; and
- **Semi-proportional systems, including** parallel, limited vote and single non-transferable voting systems.

In the plurality variety of the plurality-majority systems, the winner is the candidate with the most votes, but not necessarily an absolute majority of the votes. Majoritarian systems, such as the Australian alternative vote and the French two-round system, try in different ways to ensure that the winning candidate receives an absolute majority (i.e., more than 50 percent of the votes). Plurality-majority systems are usually linked to the use of single-member districts, although this is not always the case. As will be discussed in the following sections, plurality-majority systems create the most difficult challenges for observers of the delimitation process, as the way in which constituencies are delimited is one of the most important factors in determining election results.

The rationale underpinning all proportional representation (PR) systems involves the desire to reduce the disparity between a party's share of the national vote and its share of the parliamentary seats. PR systems always use multimember districts, which diminish the importance of the delimitation of constituencies. However, it is still a significant dimension: there is near-universal agreement among electoral specialists that the crucial determinant of an electoral system's ability to translate votes cast into seats won proportionally is the district magnitude (i.e., the number of members to be elected in each electoral district). Globally, there is a wide variance in the size of districts. In the Netherlands, for example, the whole country forms one district of 150 members. Consequently, there is no need to delimit constituencies. In other cases, like Argentina,

the boundaries of the multimember constituencies coincide with the province borders. Again, there is no need to delimit the districts, although there is a periodic need to reallocate the number of representatives assigned to each district according to changes in population. However, at the other extreme, PR might be applied in small districts that do not coincide with administrative subdivisions and have to be purposefully defined. In Chile, for instance, list PR is applied to two-member electoral districts. Delimitation in this context is even more problematic that delimitation in first-past-the-post (FPTP) systems.

There are other systems that produce proportional results but are partially based in single- or multimember constituencies. In the case of mixed member proportional (MMP) systems, a portion of the parliament is elected by plurality-majority methods, usually from single-member districts, while the remainder of the parliament is constituted by PR lists. The list PR seats compensate for any disproportionality produced by the district seat results, and therefore the importance attached to the delimitation of single-member district boundaries is much more limited.[233] In the case of the single transferable vote, the importance of delimitation is also limited, although still a subject for potential manipulation, as will be discussed below.

The most common of the semi-proportional systems is the parallel system which, like the MMP system, uses both proportional representation (PR) lists and "winner-take-all" single- or multimember districts. However, unlike MMP systems, the PR list seats are not used to compensate for any disproportionality produced by the majoritarian districts. Therefore, the importance of constituency delimitation is equivalent to that of FPTP systems, mitigated by the fact that the single member constituency seats are only a proportion of total seats—as much as 60 percent in Japan but as low as ten percent in Somalia. The other two semi-proportional systems—limited vote and single non-transferable vote—are relatively rare. Both use multimember constituencies that require delimitation. In the case of the single non-transferable vote system, each voter has one vote even if there are several candidates. In the case of the limited vote system, voters have fewer votes than there are seats to be filled, but more than one vote. The delimitation of constituencies is not excessively important in those two systems.

The importance of delimitation

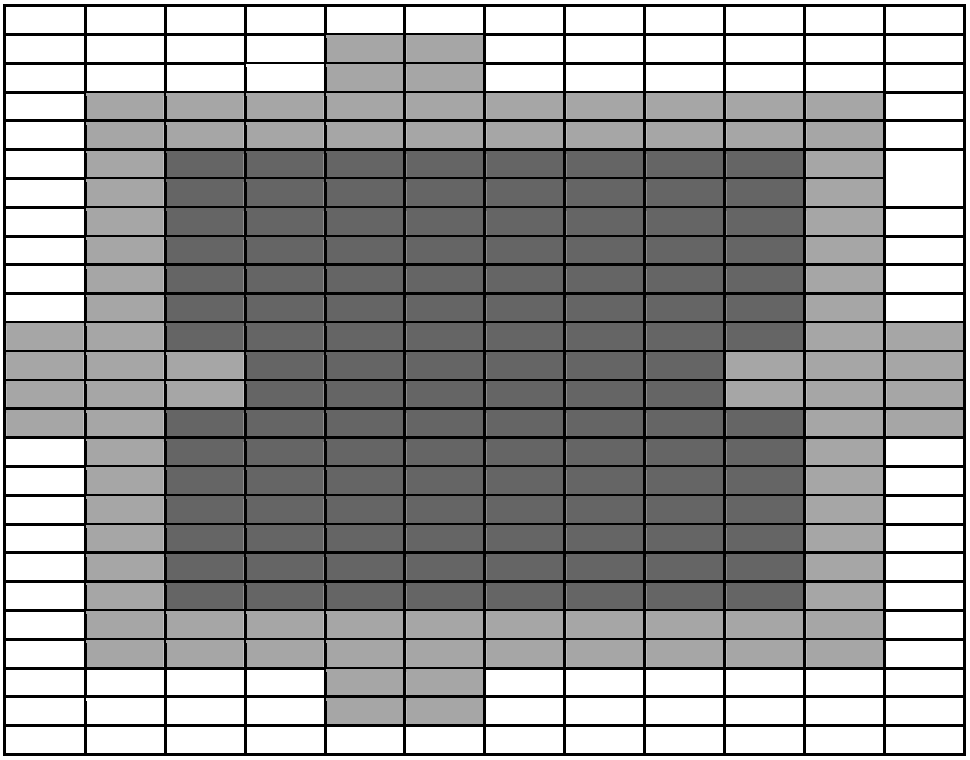
Why is it so important to observe delimitation? The answer is quite simple: because the delimitation of constituencies provides the single most important opportunity to manipulate the result, short of straightforward cheating. Within limits, it is possible to do practically anything.

As mentioned above, the greatest possibilities for manipulation exist in the case of first-past-the-post systems. To illustrate the potential extremes, we will use the fictional City of Gerry (see Figure 17.1) comprising 216 precincts with 500 voters each. The city has a council of 27 members. We have assumed that there are two parties: the Core City Party, that receives 60 percent of the vote in the precincts shaded in orange (and 40 percent in

[233] In these cases, the possibilities for manipulation are related to the so-called “overhang” seats that arise in elections under MMP, when a party is entitled to fewer seats (according to party votes) than the number of constituencies it has won.

those shaded in green), and the Suburban Party, who gets 60 percent and 40 percent of the vote in green and orange precincts, respectively. Under proportional representation—and using a single constituency—there would be no delimitation issues. The Core City Party would win 16 council seats, and the Suburban Party would win ten (the allocation of the remaining member would depend on the type of formula used).

Figure17.1 – The City of Gerry

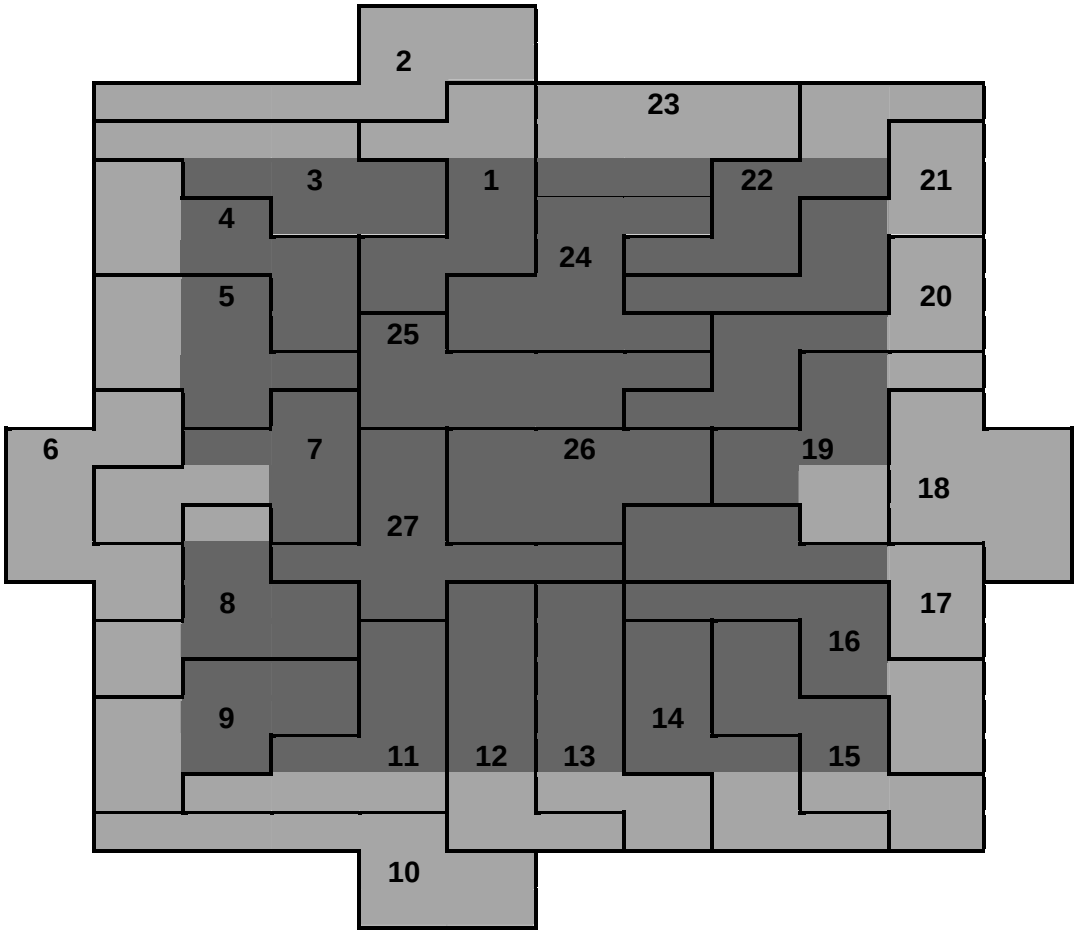


Each rectangle represents a precinct with 500 registered voters.
There are 216 precincts. The total number of voters is 108,000.
Light squares (92) represent precincts where the Suburban Party gets 100% of the vote.
Dark squares (124) represent precincts were the Core City Party gets 100% of the vote.
Total Core City Party voters = 62,000 Total Suburban Party voters = 46,000

If, on the other hand, the council members are elected in 27 single-member wards, there will be a need for delimitation, and the possibilities for manipulation increase exponentially. It would be possible to delimit wards in such a way that the number of seats allocated to the Core City Party (CCP) is maximized, as in Figure 17.2, where the CCP would get 22 seats—over 80 percent of the total seats with less than 58 percent of the popular vote. This is not an unreasonable outcome in a FPTP system, because the system often produces an additional advantage in terms of seats to the winner. But it would be possible to delimit wards in such a way that the Suburban Party (SP) is benefited, especially if equal population across districts in not a constraint. This can be seen in Figure 17.3, were the SP gets 18 seats—a whopping two-thirds of the seats, in spite of having received only slight less than 43 percent of the popular vote.

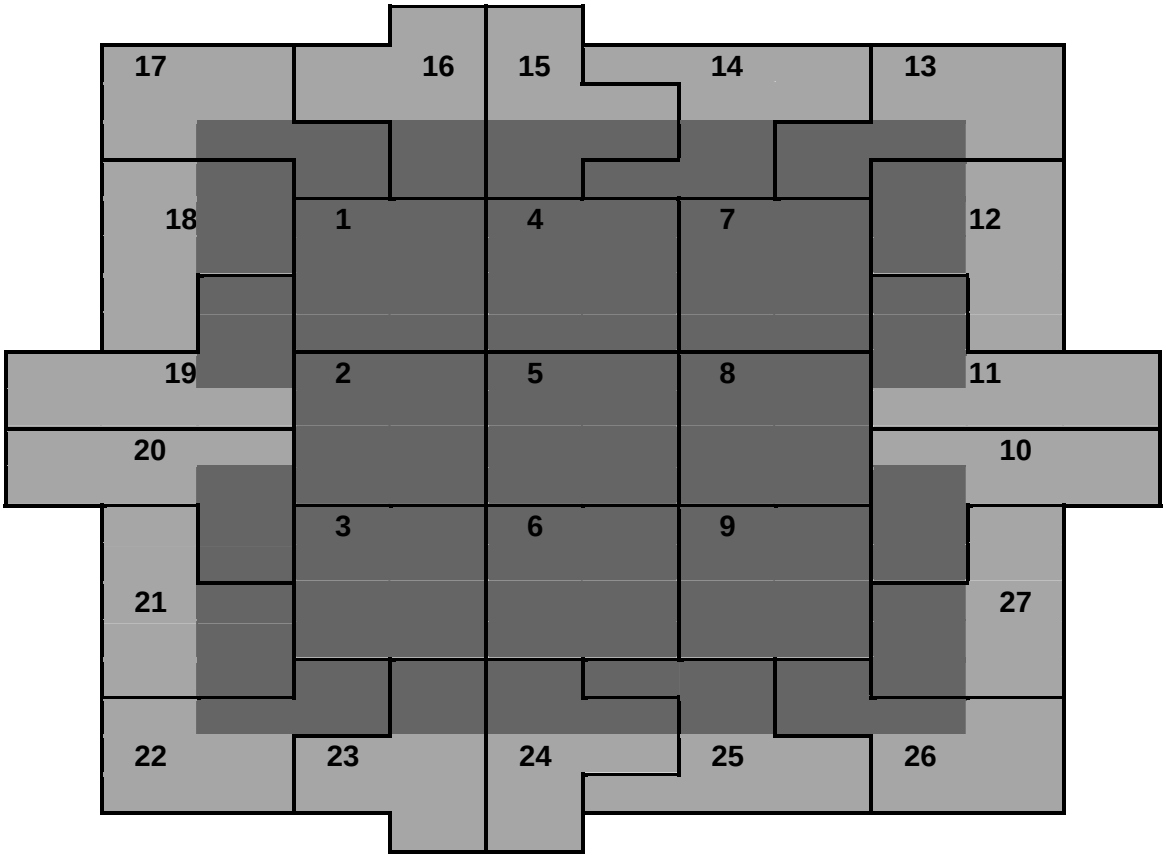
The delimitation could be contrived to satisfy other criteria. For instance, it would be possible to delimit wards in such a way that the number of competitive seats is maximized (if only point contiguity is required), as done in Figure 17.4. In this case we would have 4 safe seats for the Core City Party and 23 competitive seats, where the votes are distributed evenly between both parties. This is far from an ideal situation—a one percent swing of the vote in favor of the CCP would provide the CCP with all 27 seats on the Council, while a similar swing in favor of the SP would give them 23 seats on the Council (85 percent) with less than 44 percent of the vote.

Figure 17.2 – Maximizing the seats of the Core City Party, City of Gerry



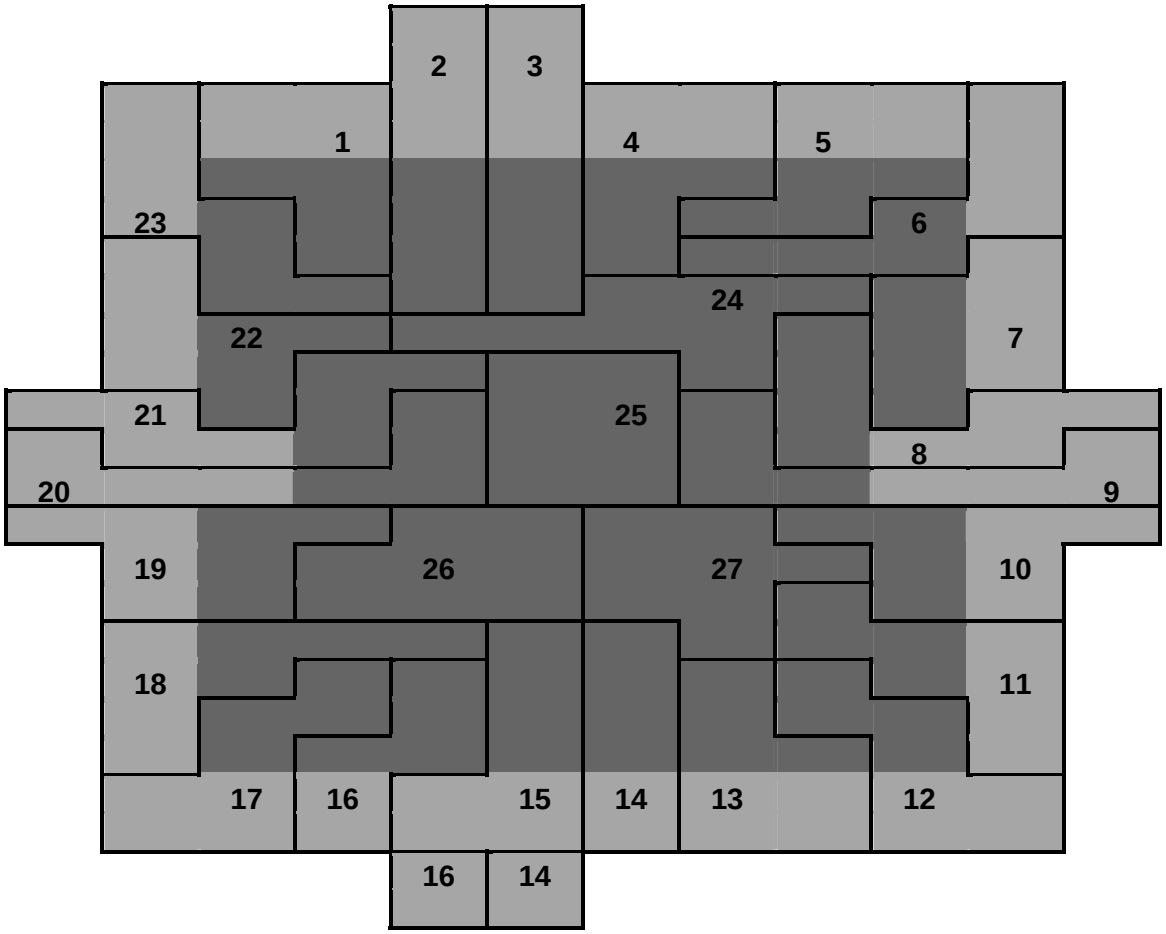
216 precincts with 500 voters each, 27 wards
Suburban Party "packed" in Districts 2,6,10 and 18; majority of voters in District 23
Core City Party wins the other 22 seats (81% of the seats) with only 57.4% of the vote

Figure 17.3 – Maximizing the seats of the Suburban Party, City of Gerry



216 precincts with 500 voters each, 27 wards
Core City Party "packed" in Districts 1 through 9 (33% of the seats with over 57% of the vote)
Suburban Party gets the remaining 18 districts (67%) with less than 43% of the vote

Figure17.4 – Maximizing Competitive Seats, City of Gerry



216 precincts with 500 voters each, 27 wards
Competitive seats (50/50) = 23 (85.2%) Safe seats = 4 (14.8%)
Swing of 1% in favor of the CCP would produce a CCP win in all 27 wards (100%)
Swing of 1% in favor of the SP would produce a SP win in 23 of the 27 wards (85.2%)

The difficulties associated with observing delimitation

The delimitation of constituencies can have a profound impact on election outcomes and, as the previous section of this paper demonstrates, electoral boundaries can be manipulated with relative ease. Despite the importance of this component of the election process, it is difficult to find observation reports that pay adequate attention to the issue. Delimitation is usually discussed in one or two paragraphs that focus on issues related to equality of the vote. If observing delimitation is so important and the potential impact of manipulation so great, why is it that the attention of observers to this crucial dimension is so limited? There are a number of reasons that can be advanced to explain this situation.

1. The delimitation of boundaries does not take place simultaneously with elections – in most cases it is done well in advance of Election Day. Not even the longest term observation missions can directly observe delimitation therefore it is not current practice to observe delimitation when it occurs. There may, however, be isolated exceptions among national monitoring organizations who might be involved—or want to become involved—in monitoring the delimitation process.
2. The delimitation process can be quite technical and often involves the use of computerized tools, which are not easily accessible to most observation groups. As we will see below, the measurements of certain dimensions of delimitation (for instance "compactness") can be quite technical.
3. There are few international standards, and those that do exist are quite general (the very few we have been able to locate can be found in Appendix A). Although this is not uncommon to many of the targets of observation, the paucity of criteria may be greatest in the case of delimitation. Furthermore, there are always counter-examples that can be used by those accused of gerrymandering. For instance, in Kenya, where the dramatic variation in population across constituencies has assisted the ruling party in maintaining a majority of the seats in Parliament, the boundary authority might point to both England and Canada as examples of countries that also have very large variations in the size of constituencies. In any given case, there might be special reasons for deviations in size, and the circumstances may not be known to the observers.
4. Some of the criteria for good delimitation practice might contradict each other. For instance, the emphasis placed by the U.S. Supreme Court on equal population across all districts often conflicts with the principle of respect for administrative boundaries – taking into account administration boundaries usually requires substantial deviation in populations across districts. To cite another example, again from the United States, if the primary criteria used for delimitation is respect for communities of interest, the shape of the districts produced may not be particularly compact—as shown by the shapes of the majority-minority districts created in the U.S. after the passage of the Voting Rights Act.
5. Any delimitation—even one conducted by the most impartial of boundary authorities—has a significant political impact. It could be easily argued that

proof of gerrymandering should not be limited to results, but it should include proof of intent. However, intent is very difficult to prove.[234]

There are cases in which gerrymandering is undertaken by consensus of the major political parties, and will go unnoticed unless challenged by civil society groups. In California, for instance, the two dominant parties cooperatively redrew both state and federal legislative district boundaries to preserve the status quo, ensuring the safe re-election of the all incumbents, regardless of their political party affiliation.[235] While all the above factors underline the need to observe delimitation carefully, there are others that limit its importance in many cases. Gerrymandering and the manipulation of constituencies are not only related to the use of single member plurality districts, but also to other factors. It tends to be much more important in cases where

- There are only two major political parties,
- There is a relative stability of the vote,
- There is enough information about the distribution of the vote, and
- Delimitation is left to political bodies. In most cases, if these factors are not present, the potential for manipulation might exist, but may not be exploited.

What to observe: the main issues in delimitation

Although observation and evaluation of the delimitation of constituencies will always remain a daunting task, it might be possible to simplify the observation process by concentrating on a few specific aspects, as they provide both the best opportunities for manipulation and good angles for observation.

Changes in the magnitude of districts

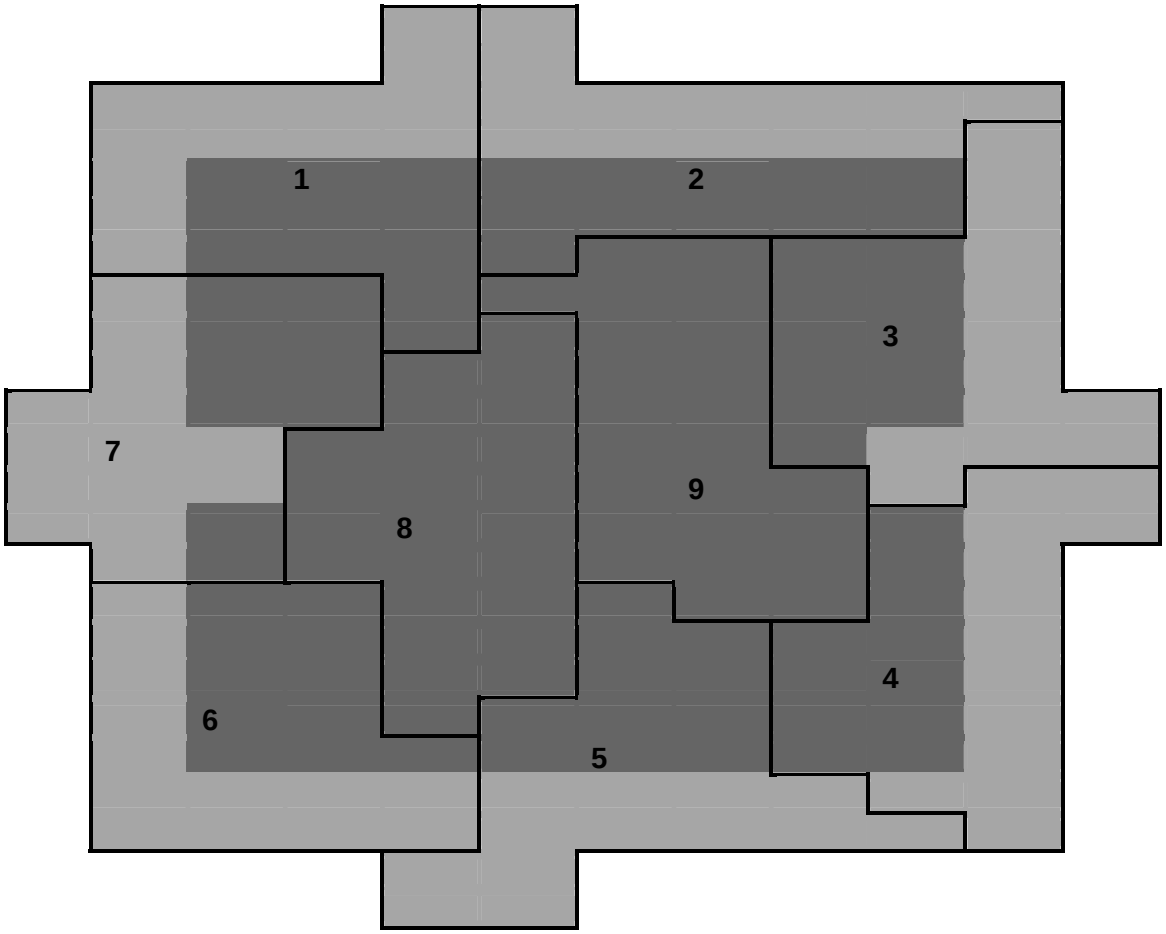
Without any change in the electoral system used to allocate seats, it is possible to obtain dramatic results by manipulating the magnitude of districts. In the case of our fictional city of Gerry, if three-member constituencies rather than single-member constituencies are used, it would be possible to “pack” the Core City Party precincts into two three-

[234] In some cases, even when intent is not disputed, it might not be enough to carry a charge of gerrymandering if political gerrymandering is considered acceptable. Justice White’s opinion in *Bandemer v. Davis* states that: “Even if a state legislature redistricts with the specific intention of disadvantaging one political party's election prospects, there has been no unconstitutional violation against members of that party unless the redistricting does in fact disadvantage it at the polls.”

[235] After the 2000 census, the legislature was obliged to set new electoral district boundaries for the State Assembly, the State Senate and the U.S. Congress. Normally, such a circumstance would create a divisive political fight between Republicans and Democrats. However, politicians from both parties negotiated a bargain that ultimately greatly reduced the power of most of the voters of the state to select their representatives. Instead, districts were created in such a way that almost all of them were dominated by voters of one or the other party, with almost no districts that could be considered remotely competitive. Instead of the democratic ideal of voters selecting their political representatives, politicians essentially choose their voters.

member wards in the inner city, as depicted in Figure 17.5. In the remaining seven wards, the Suburban Party could enjoy a comfortable majority of the votes, winning all of seats in these wards (21 seats) despite having less than a majority of the voters.

Figure17.5 – Using multimember districts to maximize Suburban Party Seats, City of Gerry



216 precincts with 500 voters each, 9 three-member wards (27 councilors)
Core City Party "packed" in Districts 8 and 9, all seats in these 2 wards (6 seats) won by CCP
Suburban Party wins all seats in the other seven wards (close to 78% of the seats) with less than 43% of the vote

A classic example of this type of manipulation can be found in the Republic of Ireland in the mid-1970s. The Minister for Local Government at the time, James Tully, attempted to arrange constituencies to ensure that the governing National Coalition would win a parliamentary majority. He did so by creating as many three-seat constituencies as possible where the governing parties were strong, with the expectation that the parties from the governing coalition would win two of the three seats in these constituencies and the opposition Fianna Fáil party would win only one seat. In areas where the governing parties were weak, four-seat constituencies were used so that the governing parties still had a chance of winning two of them. However, the plan backfired spectacularly due to Fianna Fáil winning a landslide victory and taking two out of three seats in many cases, leaving the National Coalition parties to fight for the last seat. This unsuccessful gerrymander came to be called a Tullymander.

A second notorious example was the change in district magnitude introduced by the Chilean Junta in 1973. Before 1973, Chile was divided in 29 multimember electoral constituencies for the lower house elections. Each of the then-25 provinces served as one multi-seat constituency with two exceptions: the province of Santiago was divided into four constituencies and Ñuble was divided into two constituencies. Proportional voting was used and each constituency returned a minimum of two members and a maximum of 18. In 1973, however, the Junta decided to use two-member districts, with the clear intent of maximizing the number of seats gained by the rightist parties, who were expected to obtain second place in the upcoming elections.[236]

The timing of delimitation

Many countries conduct delimitation exercises at specified intervals – for example, every ten years – or have some other trigger inserted in the electoral law to indicate when a delimitation is required. However, the legislation may leave the door open for a delimitation review at some other, unspecified time. If delimitation takes place extemporaneously this may be a sign of manipulation. For instance, although congressional redistricting (as delimitation is referred to in the United States) is almost always carried out only once every ten years (following the release of the decennial census data), in Texas congressional districts were redrawn twice. The first redistricting was conducted on schedule. But following a change in control of the Texas House of Representatives, a second redistricting took place in 2003. Given the timing of the decision to re-redistrict, it came as no surprise that there was general suspicion that many of the new constituencies had been drawn with clear political consequences in mind.

The process for delimitation of constituencies:

The institutional approach chosen for the delimitation of constituencies, as well as the openness and transparency of the process, are in most cases good proxies for the overall adequacy and fairness of a country's delimitation exercises. At one end of the continuum are countries that employ an independent, nonpartisan election commission or a designated boundary commission to delimit constituency boundaries. Their

[236] The binominal system achieves an effect opposite to that achieved by the first-past-the-post system. The latter exaggerates the strength of the majority party, at the expense of minority parties. In the binominal system, on the other hand, if the main opposition party gets at least 33.4% of the vote in each district, it is assured at least half of the parliamentary seats.

membership frequently includes non-partisan (non-political) public officials with backgrounds in election administration, geography and statistics; retired judges; or other non-partisan members. Good practices include public access to proposed delimitation plans prior to enactment, adequate time for discussion, and effective possibilities of challenging proposals—in general, as much access and transparency as is reasonably possible.

At the other end of the continuum are those countries that assign the task of delimiting constituencies to the legislature. In most of these cases, partisan politics and gerrymandering are a given part of the process. Manipulation of the constituency boundaries is quite likely under this scenario. In Indiana (United States) for instance, according to the facts set out in Bandemer v. Davis, an unfair process resulted from the exclusion of all Democratic legislators from the committees drawing the districts; utilization of the state Republican committee headquarters for the data work done by a consultant (rather than the legislative research department on the grounds that it was prohibited by statute from doing partisan work); bringing the bill to the floor on the last day of the session without opportunity for the Democrats to examine it; and the open admission that the aim of the majority party was to secure for themselves every possible seat.[237]

Criteria used for the delimitation of constituencies

Another aspect which should be observed is the adequacy of criteria used to delimit constituencies. It is important to pay attention both to whether criteria have been specified in the constitution or the electoral law, or if the boundary authority has identified such criteria to guide the process, and the degree to which the boundary authority actually abides by these criteria. There are four types of criteria that are commonly adopted by countries. The most widespread criterion is the requirement of equal population across electoral districts. Although this criterion is almost universally accepted, there are wide variations in the tolerance limits for deviations. At one extreme is the United States, where virtually no deviation in population across congressional districts is permitted. On the other hand, very high tolerance limits have been established in countries such as Singapore and Canada. The majority of countries, however, have enacted no legislation at all indicating how much population deviation is acceptable.

A second group of commonly cited delimitation criteria relates to geography. Many countries take into consideration natural boundaries created by topographical features, like mountain ranges, rivers or islands. It is also common to find increased weight given to remote territories with sparse population, or steps taken to account for a region's accessibility (roads, transportation, etc.). A third group of criteria is respect for administrative boundaries and, in the case of some developing countries, respect for tribal or other traditional boundaries. Fourth, some delimitation legislation dictates that the boundary authority give consideration to communities of interest.

Obviously, not all criteria can be followed in every instance, especially since some criteria are contradictory. And some criteria, as will be discussed below, are quite

[237] The plurality in *Bandemer v Davis* considered procedural issues to be superfluous for establishing intent, believing that where the subject is legislative districting, partisan intent on the part of legislators is inevitable.

difficult to make operational. However, the appropriateness and consistency of the criteria should be observed.

Observing delimitation criteria

Equal population

Of the criteria briefly described above, three can be defined and/or measured with a considerable degree of precision. The easiest criterion to measure is population equality.

There some aspects of population equality that need further discussion. First, what is the population figure used to define equality? Many countries use total population as the basis.[238] However, total population includes foreigners, recent migrants and other people who do not have the right to vote. As a result, some countries prefer to use citizen population. A few others, like Lesotho, use voting age population (VAP) as the basis from which to estimate equality. Quite a large number of countries use the number of registered voters as the basis for evaluating equality.[239]

The choice between the different measures is not politically neutral. Areas with a high proportion of foreign migrants will benefit more from the use of total population (which includes foreigners) than from the use of citizen population or registered voters. The use of registered voters as a proxy for population discriminates against disadvantaged groups. In Guatemala, for instance, the use of registered voters in determining population equality would decrease the quotas for rural areas, where a large percentage of older rural women are not registered to vote. As the accuracy of registered voter data depends on the capacity to depurate migrants and deceased people from the voter rolls, the use of registered voters as a proxy would benefit also the areas with the worst records of voter roll maintenance.

There are several ways in which differences in population—technically known as "malapportionment"—can be measured. The most popular early measures were

1. The difference between the largest and smallest districts (divided by the mean),

[238] Not only can the population base be a point of contention – even if there is consensus that the total population should serve as the population base, there may be disagreement as to what the actual population figure is. In Nigeria, for example, the government has on occasion simply refused to accept the census enumeration data. In the United States, too, the two political parties have argued, and litigated, the validity of statistically correcting the census undercount (the enumeration exercise inevitably misses people, and this is referred to as the undercount.). Many statisticians believed it was possible to correct for the undercount by using statistical sampling. The Clinton Administration and Congressional Democrats strongly favored correcting the undercount in the 2000 census, at least in part because the inclusion of undercounted population would increase the number of representatives allocated to heavily Democratic states—like New York—where the undercount is larger. Not surprisingly, Republicans in the U.S. House of Representatives disagreed and filed a lawsuit against the Commerce Department (the government agency responsible for conducting the decennial census) challenging the use of statistical sampling. The Republicans won the suit and statistical sampling was not used in the 2000 census.

[239] The list of potential measurements of population does not end there. In Belarus, for instance, the number of voters in the previous election is used to measure population equality.

2. The population variance ratio (which is the ratio of the largest to the smallest district),
3. The maximum (or average) percent deviation from the mean, and
4. The electoral percentage (which is the minimum percentage of the population represented by a bare majority of seats). For the limited purpose of observing delimitation in the context of developing countries, it might be best to use the deviation from the mean, as it is one of the most common and well understood measures.

In many countries, the basis for defining and/or measuring population equality has been defined long ago, and is not a concern for observers. However, if it has been changed recently, it is important to review the situation to identify any possibilities for manipulation. And if large deviations in population are present, it is important to determine the reasons for the deviations. For example, large population deviations might be necessary to accommodate full administrative units or to abide by other reasonable criteria. On the other hand, such deviations might be a means of manipulating the election outcome. For instance, the returns of the 2002 Kenya elections suggest that the use of deviations particularly favored the KANU incumbents.

Kenya is not unusual in this regard. In many African countries during the initial stages of democratization, the strength of the opposition has tended to be in the urban centers, while the more conservative voters of rural areas have tended to support the former one-party incumbents. It is usual to find a systematic bias against city voters (with much larger constituencies relative to the rural areas) that has profound political consequences. Observers of an electoral process should carefully analyze the data to identify the constituencies that significantly deviate from the population quota.

Respect for administrative boundaries

This is another frequently used criterion for delimitation, and keeping municipalities intact has a number of advantages. First, city and county limits are more difficult to manipulate than districts because of the extent to which these boundaries affect local government. It is much easier to manipulate a parliamentary constituency, whose only purpose is to select a representative every four or five years, than to change the boundaries of a municipality, which would raise issues of taxation, school districts and many other subjects of daily importance. Second, municipalities can be considered as a proxy for "communities of interest" (discussed in the next section). Third, if municipalities have a role in the administration of elections, as it is frequently the case, it makes sense to have whole municipalities within the boundaries of a parliamentary constituency.

Although difficult, it is still possible to manipulate a municipality's boundaries for electoral advantage. Before the 2000 elections in Nicaragua, the Municipality of Managua was subdivided to create two new municipalities, and a specific suburb was awkwardly placed in one of the new municipalities. As a consequence, the residence of a potential popular candidate for mayor was placed outside the municipality, making it impossible for him to compete for that municipality.[240]

[240] There was a concomitant change of legislation, making continuous residence for two years in the municipality (so as to ensure acquaintance with municipal issues by the mayoral candidates) a requirement for candidacy. According to the new legislation, it would have been possible for the popular candidate—a

In some cases, it is important to consider the role of tribal authorities, as they might have a significant impact on political life. In Botswana, the Constitution indicated that boundaries of each constituency "shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable…provided that (account is taken of)…the boundaries of Tribal Territories…." Such boundaries are also respected in Malawi and in many other African countries.

If the criterion of respect for administrative/tribal boundaries is used, it is easy to observe. It is, however, necessary to check whether there have been any recent modifications to these boundaries and, if so, whether there was a political intent in their modification.

Geographic criteria

Boundary authorities are often required to take into account geographic criteria such as natural boundaries, isolated geographic areas and sparseness of population. For instance, if the population of an island deviates from the population quota by more than the accepted range of deviation, an exception could be made in order to keep the entire intact in a single constituency. The Island of Wight, in the U.K., for example, has been made a constituency even though its population is significantly larger than the population quota. The same criteria have been applied to islands that are significantly smaller than the quota as well.

Another common geographic criterion is the sparseness of population – if a constituency is too large in geographic size, or if it covers terrain that is rugged and difficult to traverse, this constituency may be difficult to represent if it is not made smaller in population than the quota.[241] The result, however, is that scarcely populated rural areas are over-represented in parliament. If the rural population has political differences with those in more populated (possibly urban) regions, this criterion might be manipulated for political advantage. For instance, in the case of Malaysia, ethnic Malays predominate in the rural areas and non-ethnic Malays reside primarily in the urban centers, and the application of this criterion in constituency delimitation has served to ensure Malay dominance of the political system. Once again, it is relatively easy for the observers to verify the effective application of this criterion. The analysis of the political consequences and the demonstration of political intent are much more complicated and require country-specific analysis.

Another criterion related to geography that has been adopted by a number of countries is compactness. This criterion is rather more difficult for observers to grapple with. Political scientists and geographers have measured compactness, or the regularity of a district's shape, in many different ways, and some of these measurements have been used in the United States to investigate isolated district plans. However, there is no consensus on which compactness measure, if any, is best. And a number of important questions remain open: What, exactly, are all of these compactness criteria measuring? Are these measures consistent with each other? Does it matter which one we use? Which measures are best?

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councilperson—to compete and win in the newly created municipality, but that victory would not have had the political significance of a victory in the country's capital.

[241] Botswana, Kenya, Malaysia, Mauritius and Nepal (among others) use this criterion.

In fact, it would be very difficult for a standard observation group to use compactness measures to evaluate electoral processes in a country in the process of democratization. In practice, it might be better to use common sense judgment based on the "ugliness" of the proposed district as a complement to arguments based on other indicators of gerrymandering.

Communities of Interest

Another criterion that is difficult for monitors to observe is respect for communities of interest. This criterion has been adopted by many countries, including Australia, Botswana, Canada, Dominican Republic, Fiji, Germany, Hungary, Indonesia, Italy, Kenya, Mexico, Nepal, New Zealand, Pakistan, Panama, Papua New Guinea, Ukraine, the U.K., and Zimbabwe. Although it is rarely—if ever—defined by statute, it is generally thought of as a group of individuals united by shared interests or values. The argument for using this criterion is that it offers like-minded constituents an opportunity to elect candidates they feel truly represent them—and will also simplify the work of the chosen representative. In general, criteria related to communities of interest can be divided into three categories: (1) criteria related to administrative or geographic boundaries,[242] discussed above; (2) criteria related to common interests or common characteristics, such as a shared racial or ethnic background, a common history, culture, religion or language or a shared socio-economic status; and (3) criteria related to patterns of interaction—transportation patterns, economic ties or communication networks.

In most countries, the term "communities of interest" refers to racial and/or ethnic—and occasionally religious—minorities. In Canada, for instance, one of the main reasons for maintaining Labrador as a separate constituency, in spite of its small size, is that it satisfies the representation needs of the aboriginal people that live there.[243] Constituencies in Africa are also often designed take into account the representational needs of different ethnic groups.

The creation of so-called majority-minority electoral districts for African American and Latino minorities in the United States is a clear example of redistricting to ensure the representation of these minority groups. The boundaries of several Congressional districts were manipulated to ensure the election of representatives belonging to these minorities. The Voting Rights Act of 1965 was cited as the reason for these districts. However, the present U.S. Supreme Court, in a clear change of heart, has strongly opposed "racial gerrymandering" in *Shaw v. Reno* (1993) and *Bush v. Vera* (1996).

[242] Although the perimeter of a community of interest may correspond to the boundaries of an administrative division, this is not necessarily the case. For example, a river may form a boundary between two administrative divisions, but the entire river valley may comprise a unified community of interest. In this instance, an electoral district that follows the administrative boundary would divide a community of interest.

[243] "En ce qui concerne le Labrador, la commission doit prendre dûment en considération le fait que la population habitant la partie du Labrador située au nord du lac Melville est majoritairement composée de citoyens d'origine autochtone. Elle doit aussi tenir compte des considérations d'ordre géographique propres à cette région, ainsi que de la communauté d'intérêts des collectivités habitant au nord du lac Melville, formées à majorité d'Autochtones, avec l'intention de réunir ces collectivités en une circonscription."

It should also be pointed out that many of the countries with racial, ethnic or religious minorities who cannot achieve representation under FPTP or similar systems have resorted to other approaches to ensure their representation, such as reserved seats for minorities, the obligation to include members of minorities in slates, and so on.

Despite the ambiguity inherent in the term "communities of interest," the boundary authority in many countries is directed to take communities of interest into account when drawing electoral boundaries. Because this term is difficult to operationalize, it can be subject to manipulation. But this is a particularly difficult criterion for the prospective observer, especially one not familiar with the area, to incorporate into the analysis.

When to observe: two possible times for delimitation observation

Most of the events related to an electoral process take place around Election Day, which simplifies the observation process. A few events, however – including delimitation[244]— typically take place well in advance of the normal time frame of observation.

In many of the countries that delimit electoral districts, there is a mandatory deadline by which redistricting must occur: Botswana, Canada, India, Japan, Kenya, Lesotho, Malaysia, Mauritius, Mexico, Nepal, Nigeria, Pakistan, Papua New Guinea, Tanzania, the United States and Yemen all have electoral laws or constitutional provision requiring delimitation at least every ten years. However, in some cases—Albania, Australia, the Bahamas, Fiji, New Zealand, Turkey and Zimbabwe— redistricting takes places at more frequent intervals. In still others, delimitation is triggered by some specific event: a national census, a change in the number of seats allocated to an area, changes in administrative boundaries, or when certain levels of malapportionment are reached. If there are no mandatory triggers for delimitation, a country's parliament commonly decides when, and if, to redistrict.

The practical consequence of this is that there is usually two times at which the delimitation of constituencies might be observed: (1) during an election observation mission as one of the observation targets (the main focus of this paper) or (2) when the delimitation process occurs, as an independent event. The observation techniques are quite similar, and we will discuss them below. The main difference relates to the possible actions open to observers. If the observation takes place in the context of the observation of an electoral process, there is little the observers can do with regard to delimitation, and the observation exercise will not significantly differ from an historical analysis. If the observation takes place during the delimitation process, however, and there is a non-partisan commission and public audiences, the observer groups can participate actively in the process.

[244] Another component not strictly related to the date of elections is the definition of the legal framework of electoral process, which should be established well in advance of the election and should not be changed too close to Election Day. The registration of voters and political parties, at least in certain systems, is an ongoing activity that is not strictly linked to the date of elections.

Observing the process

The four indicators discussed above—(1) equal population, (2) respect for existing administrative boundaries, (3) geographic criteria, and (4) respect for communities of interest—can be used to evaluate delimitation after the process has been completed, as part of the observation of an electoral process. In that sense, these indicators are useful for observing results. However, as discussed above, the complexities and ambiguities involved in these indicators make them challenging to use.

But it is possible, and certainly more useful, to observe the process while delimitation is being conducted. If the delimitation process is being conducted by an authority respected by the main stakeholders,[245] and this authority conducts its operation in a technical, transparent way and provides adequate opportunities to the public to express their opinions concerning the delimitation proposals, then it might be expected that the results of such a process will be generally accepted by the country's population.

The first step is to verify who is in charge of the delimitation process. If it is a special commission or an electoral commission, then observers should evaluate its independence. However, observers should avoid placing too much emphasis on the independence of the delimitation authority. There are many electoral commissions around the world that are defined as independent (fully responsible for the elections/delimitation) but will blindly follow the suggestions of the party in power. Independence might be evaluated in terms of the authority's relations with the executive branch, to independent sources of funding, or to autonomy concerning appointment and remuneration of personnel. Financial independence could be obtained easily through the funds available from donors.

It should be remembered, however, that independence is essentially an "instrumental" variable. Independence is not an end in itself but a means for the achievement of credibility (or public confidence). Credibility is the real objective, and independence is neither a necessary nor a sufficient condition, even if it is highly advisable. It is possible to have credibility without independence—as in the case of France, Spain or Sweden. It is also possible to be independent from the executive branch and yet not be credible.

It is thus necessary to have a careful look at the composition of the election or boundary commission. There are many different approaches to the composition of these compositions. Such commissions often include non-partisan (non-political) public officials with backgrounds in election administration, geography and statistics. In Australia, New Zealand, and the United Kingdom, for example, the commissions incorporate electoral officers or registrar-generals, as well as the Director of Ordnance Survey (United Kingdom) and the Surveyor-General (Australia and New Zealand). Statisticians have an important role on Australian commissions because population projections are used to draw electoral district boundaries. In Canada, academics knowledgeable about elections and/or geography may be asked to serve on electoral commissions. Members of the judiciary are also well represented on districting

[245] During the nineteenth century, the drawing of constituency boundaries was the responsibility of the legislature. Today, a large majority of the countries employ election or specially appointed boundary commissions to delimit constituency boundaries.

commissions in many countries. They often chair the commissions, as in Canada and New Zealand. In the United Kingdom, senior judges serve as Deputy Chairs of the four Boundary Commissions in England, Scotland, Wales, and Northern Ireland. In India, two of the three Delimitation Commissioners are required to be judges.

There are also different approaches in relation to the participation of politicians. Some countries exclude anyone with political connections from serving on the commission. Other countries specifically include representatives of the major political parties. For example, in New Zealand, two political appointees, one representing the governing party and one the opposition parties, serve on the seven-member Representation Commission. The theory behind their presence is that it helps to ensure that any political bias in a proposed delimitation plan is recognized and rectified. Because the two political appointees constitute a minority of the commission, they cannot outvote the non-political commissioners.

In a few countries—Cameroon, Hungary and Macedonia—delimitation has been entrusted to Government Departments, a situation that observers should examine with care, as the potential for pressures from the higher levels of the Government are significant. Other countries still entrust delimitation to the legislatures. However, many of these countries (Belgium, Bulgaria, Croatia, Finland, Iceland and Sweden) use list PR systems that employ multi-member constituencies that were defined long ago and are unlikely to change very often. The task of the legislature is not to redraw the boundaries of those constituencies but rather to reapportion seats to the multi-member constituencies (a more easily observed process).

The key to the credibility of the boundary authority is trust and respect. If the members of an electoral or a delimitation commission are generally trusted and respected, it is likely that their work will also be trusted and respected. Observers can obtain information about the public's perception of the commission by analyzing newspaper reports discussing the nomination of these members to the commission, interviewing representatives of the political parties on the subject, and reviewing the background of the members.

Another important facet to the delimitation process is whether the public has access to the delimitation process. Many countries that have adopted neutral redistricting commissions have incorporated public access provisions as part of the reforms to limit the influence of legislators and political parties in the redistricting process. In Canada and Australia, once a proposal is completed and the draft maps published, the general public is invited to present written briefs or oral representations at public hearings held by the commission. In these countries, commissions have received hundreds of comments from a wide variety of sources. Local jurisdictions, political parties, members of Parliament, candidates for Parliament, political activists and other interested citizens have all offered comments on proposed federal redistribution plans. After these hearings, redistribution plans have often been revised. If the commission appears to be responsive, this is particularly important to note. Furthermore, public access provides the window of opportunity for observer groups to influence the process.

Evaluating elections: the place of the delimitation component

Although the functional deconstruction of observation makes possible a more nuanced analysis of the electoral process, it has the potential problem of overemphasizing any component in which serious problems can be detected. Obviously, an electoral system can have what we may call "fatal" flaws. If there is systematic cheating in the computation of results, not even perfection in all other dimensions would compensate for this.

In most cases, delimitation problems do not fall in the "fatal" category. Hence, it is important that the evaluation of the delimitation component of the election be linked to the findings in other areas. In other words, if delimitation issues are isolated events in an otherwise adequate system, then they should probably be disregarded, except in the sense of constituting an area where future reforms might be necessary. However, if the findings of the evaluators are negative with regard to other components of the electoral process, then the problems detected with delimitation will confirm the overall evaluation.
Perhaps the most difficult cases to judge will be those in which gerrymandering and malapportionment are the main tools used to manipulate the results of elections, as is the case in some states in the United States. These are the kind of situations depicted in many of the graphs included in these report, where different plans for delimitation produce quite different results. Such cases do exist in real life. The facts as described in *Bandemer v Davis* (1981) provide as good an example as any:

> The Indiana Legislature consists of a 100-member House of Representatives and a 50-member Senate. Representatives serve 2-year terms, with elections for all seats every two years. Senators serve 4-year terms, with half of the seats up for election every two years. Senators are elected from single-member districts, while representatives are elected from a mixture of single-member and multimember districts. In 1981, the legislature reapportioned the districts pursuant to the 1980 census. At that time, there were Republican majorities in both the House and the Senate. The reapportionment plan provided 50 single-member districts for the Senate and 7 triple-member, 9 double-member, and 61 single-member districts for the House. The multimember districts generally included the State's metropolitan areas. In 1982, appellee Indiana Democrats filed suit in Federal District Court against appellant state officials, alleging that the 1981 reapportionment plan constituted a political gerrymander intended to disadvantage Democrats, and that the particular district lines that were drawn and the mix of single-member and multimember districts were intended to and did violate their right, as Democrats, to equal protection under the Fourteenth Amendment. In November 1982, before the case went to trial, elections were held under the new plan. Democratic candidates for the House received 51.9% of votes cast statewide but only 43 out of the 100 seats to be filled. Democratic candidates for the Senate received 53.1% of the votes cast statewide, and 13 out of the 25 Democratic candidates were elected. In Marion and Allen Counties, both divided into multimember House districts, Democratic candidates drew 46.6% of the vote, but only 3 of the 21 Democratic candidates were elected.

The U.S. Supreme Court found that the claim of an unconstitutional political gerrymander in *Bandemer v Davis* was "not justiciable." Still, are such claims "observable"? In fact, these claims are observable both before, and especially after the election.

Appendices: Observing Delimitation

Appendix A: Practical Steps for Delimitation Observation

Below is a list of steps that might be followed by an observer group in relation to the evaluation of the delimitation of constituencies. While diversity in delimitation practices across countries makes it quite difficult to develop a blueprint that will cover all possible cases, the steps below can be used in most cases or can be adapted to specific situations.

Step one: Examine the relevance of delimitation

- Analyze the electoral system and its requirements in terms of the delimitation of constituencies.
- Analyze the influence on results that potential changes in the boundaries of constituencies might introduce. Is the impact that delimitation could have significant enough to change the results substantially?
- In those instances where there delimitation has only a limited influence, conduct basic checks. For instance, if constituency boundaries coincide with regional/provincial boundaries, as in Argentina, check that the apportionment of seats is proportionate to the relative populations of the constituencies.

Step two: Examine the timing of the delimitation

- Consider when the last delimitation was performed. Was it done within the period established by the legal framework? Was the delimitation prompted by statutory conditions or was it an *ad hoc* decision of the legislature? Is the delimitation related to the availability of census data?
- Obtain information on the dates on which the last delimitation exercise was undertaken. Departures from statutory dates should be carefully analyzed.

Step three: Examine the institutional aspects of the delimitation process

- Who is responsible for conducting delimitation exercises?
- If it is either an Electoral or a special Delimitation Commission, what is the composition of this body? Who does the technical work? Is the commission politically independent (or is there is an effective balance between parties in the composition of the commission)? Does the commission have the respect of the main stakeholders?
- If it is a Government Department, do they conduct the delimitation activity without pressure from their superiors? Do the opposition parties accept and respect their proposals?
- If it is the legislature, how does it accomplish delimitation? Is there effective participation by opposition parties? Who provides technical advice? Are the

proposals for delimitation approved by consensus? Are there indications that the consensus is achieved through collusion among the main parties?

- Is the system open to the public? Is there a public discussion at the time of delimitation? Are public hearings held? Does the issue receive the attention of mass media?
- What is the role of the courts? How frequent is it necessary to resort to a judicial solution? Have the courts developed a consistent approach? Is there general satisfaction with the way in which claims had been adjudicated?

The analysis of the institutional arrangements starts from the legal dispositions concerning the delimitation of constituencies. The analysis of the role of the courts should not be limited to legal instruments, but should include a brief analysis of the main cases, if possible. Information on the technical issues related to the conduct of evaluation could be obtained from interviews with those involved in previous delimitation exercises. Evaluations of the openness of the system and opinions about its adequacy can be retrieved from the analysis of media at the time of delimitation and from interviews with the main stakeholders. In some cases, there might be academic analysis of the issues involved. However, the final test for any system is the existence of an almost general consensus about the adequacy of the system, the impartiality of the people in charge, and the mechanisms for redressing eventual complaints.

Step four: Examine impact on results

- Examine the impact of the existing delimitation scheme on the results of recent elections. Is there a systematic bias in favor of one of the parties, which might not be expected from the type of electoral system in use?

It is important to remember that that FPTP and similar electoral systems will not produce results proportional to the popular vote. However, a cursory review of past results might provide some useful hints for the main analysis below.

Step five: Verify the application of the delimitation criteria established by the law

- Is there adequate information available with regard to the criteria considered by the boundary authority? If there is a paucity of information, are there adequate justifications?
- Is there a maximum acceptable deviation from the population quota? Is it generally respected? Are there clear reasons specified for deviations exceeding the maximum tolerance? Do deviations systematically favor one specific party?
- Does the electoral system allow for multi-member constituencies? Have there been recent changes in the magnitude of districts? Is there any systematic bias in those changes?
- Is respect for administrative boundaries/tribal territories used as a criterion for delimitation? If so, has it been respected? What reasons have been given for breaking up administrative units/tribal territories?

- Has geographic criteria been used reasonably?
- Does legislation on delimitation require legislative districts to be "compact and contiguous"? Are these criteria taken into account? Are there districts with unusual shapes? If so, what reasons are given for the oddly shaped districts?
- Do legislative districts respect existing "communities of interest"? How have these communities been defined? Are ethnic and minority groups considered communities of interest? Are districts drawn in ways that ensure/facilitate the representation of those minorities, assuming they are geographically concentrated in a manner that makes this possible? Are there other approaches used to ensure the representation of minorities (separate seats, special districts, reserved seats, etc.)? Is there satisfaction with the representation of minorities?

Step six: Reach an overall judgment

This is the most difficult step, and particular care should be taken to reach a judicious and balanced judgment. It is very unlikely that a perfect redistribution plan exists – one that leaves all stakeholders perfectly satisfied. However, it should be remembered that delimitation is not a major problem in most cases. Delimitation should be most carefully observed in cases where the boundary authority is not independent of political concerns, for example, when the legislature rather than a special commission is in charge of the delimitation process. And recall that delimitation is particularly important when (1) there are only two important parties, (2) there is a relative stability of the vote, and (3) there is enough information about the distribution of the vote.

A last comment on resource requirements

Although the observation of delimitation does not necessarily demand specialized knowledge, it is quite likely that a person with significant experience in delimitation is required as a part of the observation team. This should not create problems for international observation missions, but it might be a difficult requirement for national observer groups to meet as there may not be local expertise available.
It is usually necessary for observers to be able to conduct an analysis of the legal framework, which can be part the overall analysis with regard to the electoral legislation. Furthermore, it is probably a good idea to reconstruct events, using historical, rather than electoral, tools. If not one with delimitation experience is part of the observation team, observers might consider subcontracting the activity to local research organizations.

Appendix B: - International Standards for District Delimitation

There are very few international standards regarding the delimitation of electoral districts. One of the main sources is the Code of Good Practice in Electoral Matters of the Venice Commission, which states as follows with regard to the dimension of equality of vote:

> Equal voting power: seats must be evenly distributed between the constituencies.
>
> i. This must at least apply to elections to lower houses of parliament and regional and local elections:
>
> ii. It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged.
>
> iii. The geographical criterion and administrative, or possibly even historical, boundaries may be taken into consideration.
>
> iv. The permissible departure from the norm should not be more than ten percent, and should certainly not exceed 15 percent except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).
>
> v. In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.
> vi. With multi-member constituencies), seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries.
>
> vii. When constituency boundaries are redefined – which they must be in a single-member system – it must be done:
> - impartially;
> - without detriment to national minorities;
> - taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities.

The comments included in the Commission's opinion provide further detail:

> 13. Equality in voting power, where the elections are not being held in one single constituency, requires constituency boundaries to be drawn in such a way that seats in the lower chambers representing the people are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency, the number of resident nationals (including minors), the number of registered electors, or possibly the number of people actually voting. An appropriate combination of these criteria is conceivable. The same rules apply to regional and local elections. When this principle is not complied with, we are confronted with what is known as electoral geometry, in the form either of "active electoral geometry", namely a distribution of seats causing inequalities in representation as soon as it is applied, or of "passive electoral geometry", arising from protracted retention of an unaltered territorial distribution of seats and constituencies. Furthermore, under systems

> tending towards a non-proportional result, particularly majority (or plurality) vote systems, gerrymandering may occur, which consists in favouring one party by means of an artificial delimitation of constituencies.
>
> 14. Constituency boundaries may also be determined on the basis of geographical criteria and the administrative or indeed historic boundary lines, which often depend on geography.
>
> 15. The maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed 10 percent and never 15 percent, except in really exceptional circumstances (a demographically weak administrative unit of the same importance as others with at least one lower-chamber representative, or concentration of a specific national minority).
>
> 16. In order to avoid passive electoral geometry, seats should be redistributed at least every ten years, preferably outside election periods, as this will limit the risks of political manipulation.
>
> 17. In multi-member constituencies electoral geometry can easily be avoided by regularly allocating seats to the constituencies in accordance with the distribution criterion adopted. Constituencies ought then to correspond to administrative units, and redistribution is undesirable. Where a uninominal method of voting is used, constituency boundaries need to be redrawn at each redistribution of seats. The political ramifications of (re)drawing electoral boundaries are very considerable, and it is therefore essential that the process should be non-partisan and should not disadvantage national minorities. The long-standing democracies have widely differing approaches to this problem, and operate along very different lines. The new democracies should adopt simple criteria and easy-to-implement procedures. The best solution would be to submit the problem in the first instance to a commission comprising a majority of independent members and, preferably, a geographer, a sociologist, a balanced representation of the parties and, where appropriate, representatives of national minorities. The parliament would then make a decision on the basis of the commission's proposals, with the possibility of a single appeal.

A second important source is the *Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE)* which probably is the organization with the best professional record in electoral observation. ODIHR has published a Manual for Domestic Election Observers, which provides guidelines for observation by domestic monitoring groups.

In the section of the Manual for Domestic Election Observers entitled "Monitoring the drawing of electoral districts' boundaries," the ODIHR states:

> According to OSCE commitments, all votes should carry the same weight to ensure equal representation. This means that each elected representative should represent a similar number of registered electors. For example, in a majority voting system, the size of the electorate should not vary by more than approximately 10 percent from constituency to constituency. Under the proportional representation system, the size of the electorate may vary, but the number of representatives for each district should be proportional to the size of the electorate.

> The election law should provide detailed and uniform criteria for the drawing of electoral-district boundaries, specifying considerations such as the number of voting population per district and geographic, administrative, and historical continuity of boundaries.
>
> The boundaries should be drawn in a transparent manner, under the principle of political neutrality, ideally by a non-partisan commission of experts. A domestic observer group should assess whether election districts have been drawn in a transparent manner to ensure as far as possible that all votes carry the same weight or whether they have been drawn in a selective, discriminatory, and biased manner.

The OSCE commitments mentioned in the text of the manual are as follows:

> 3. Equality: Constituencies and Districting
>
> 3.1 "To ensure that the will of the people serves as the basis of the authority of government, the participating States will[246] ... guarantee universal and equal suffrage to adult citizens."[247]
>
> 3.2 The delineation of constituencies in which elections are conducted must preserve the equality of voting rights by providing approximately the same ratio of voters to elected representatives for each district.[248] Existing administrative divisions or other relevant factors (including of a historical, demographic, or geographical nature) may be reflected in election districts, provided the design of the districts is consistent with the equality of voting and fair representation for different groups in society.[249]
>
> 3.3 When necessary, redrawing of election districts shall occur according to a predictable timetable and through a method prescribed by law and should reflect reliable census or voter registration figures. Redistricting should also be performed well in advance of elections, be based on transparent proposals, and allow for public information and participation.[250]

[246] Copenhagen Document, 7.

[247] Copenhagen Document, 7.3.

[248] See generally id.; UDHR, 1, 2, 21(3); ICCPR, 25(b); ECtHR, X v. United Kingdom and Liberal Party cases; CIS Electoral Convention, 3(1); CDL Guidelines, I, 2.2, 2.4.b and 2.5; ACEEEO, 9(1.1-1.2). See esp. CDL Guidelines, I, 2.2: "Equal voting power: seats must be evenly distributed between the constituencies. ... ii. It entails a clear and balanced distribution of seats among the constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged."

[249] See UN Minorities Declaration, 2(2); UNHRC Comments, 21; CDL Guidelines I, 2.4; ODIHR, Minority Electoral Guidelines; ACEEEO, 9(1.1)-(1.2). The UNHRC Comments, id., state in the pertinent part: "The principle of one person, one vote must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group ..."

[250] See CDL Guidelines, I, 2.2, e.g., I, 2.2.vii: "When constituency boundaries are redefined ... it must be done ... impartially; ... without detriment to national minorities; [and] taking into account the opinion of a committee, the majority of whose members are independent ...."

In the explanatory comments on the above Inventory of OSCE Commitments and other Principles for Democratic Elections, the following is added:

> III. Equality: Constituencies and Districting
>
> Paragraph 3.1 repeats the guarantee contained in Copenhagen Document Paragraph 7.3 of universal and equal suffrage for adult citizens.
>
> Paragraph 3.2 addresses the need for election districts (constituencies) to be delineated in a way that preserves the equality of voting rights. While various factors may be taken into account in determining districts, their design may not diminish equality or unfairly affect the voting power of different groups in society. In view of the wide variety of geographical, demographic, and other relevant factors in the OSCE area, it was not considered advisable to go beyond these general principles.
>
> Paragraph 3.3 provides that necessary redistricting of constituencies must occur in a regular, legally determined way and be based on reliable population or voter information. Redrawing of districts should also be performed in a timely and transparent manner. The latter standards are phrased in a general way and do not go as far as the more specific guidelines proposed by the Venice Commission (see footnote to the text), which call for redistricting proposals to originate in an independent committee.

The *Commonwealth Secretariat* has also prepared a Manual for Domestic Observers that includes a number of mentions to the subject, such as:

> The choice of electoral system will determine the legal framework that governs the delimitation of electoral boundaries. The creation of boundaries has different significance under the 'majority' system and the 'proportional representation' system. … If a majority system is in use the law which governs delimitation of electoral boundaries is one of the most important aspects of the overall electoral process. If constituencies are not roughly similar in terms of the populations they represent, the "one person, one vote" principle can be compromised. … In majoritarian systems, it is important that observers monitor the creation of the electoral boundaries. Election boundaries should be drawn in a transparent method following criteria which is FAIR to all groups. The body charged with the task of drawing boundaries has to be impartial, independent and politically neutral. The role of observer group is to ensure that the body is, and is perceived to be, independent.
>
> The factors that observers need to take into account when monitoring the creation of boundaries include: Factors affecting the creation of the boundaries. natural frontiers and local administrative boundaries; geographical contingencies: i.e., they should be as geographically compact as possible and no area should be completely unconnected with the rest of the constituency; communications systems; population: there should be equality of numbers in relation to the population; community interests: e.g., means of communication, economic interests, ethnic homogeneity, language, religion, history, etc. Observers need to examine HOW the boundaries have been established and ensure that the process has been a fair one. MAKE sure that the RULES and REGULATIONS have been followed.

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