



PREDLOG ZA PROMENU IZBORNOG SISTEMA

Beograd, decembar 2015. godine

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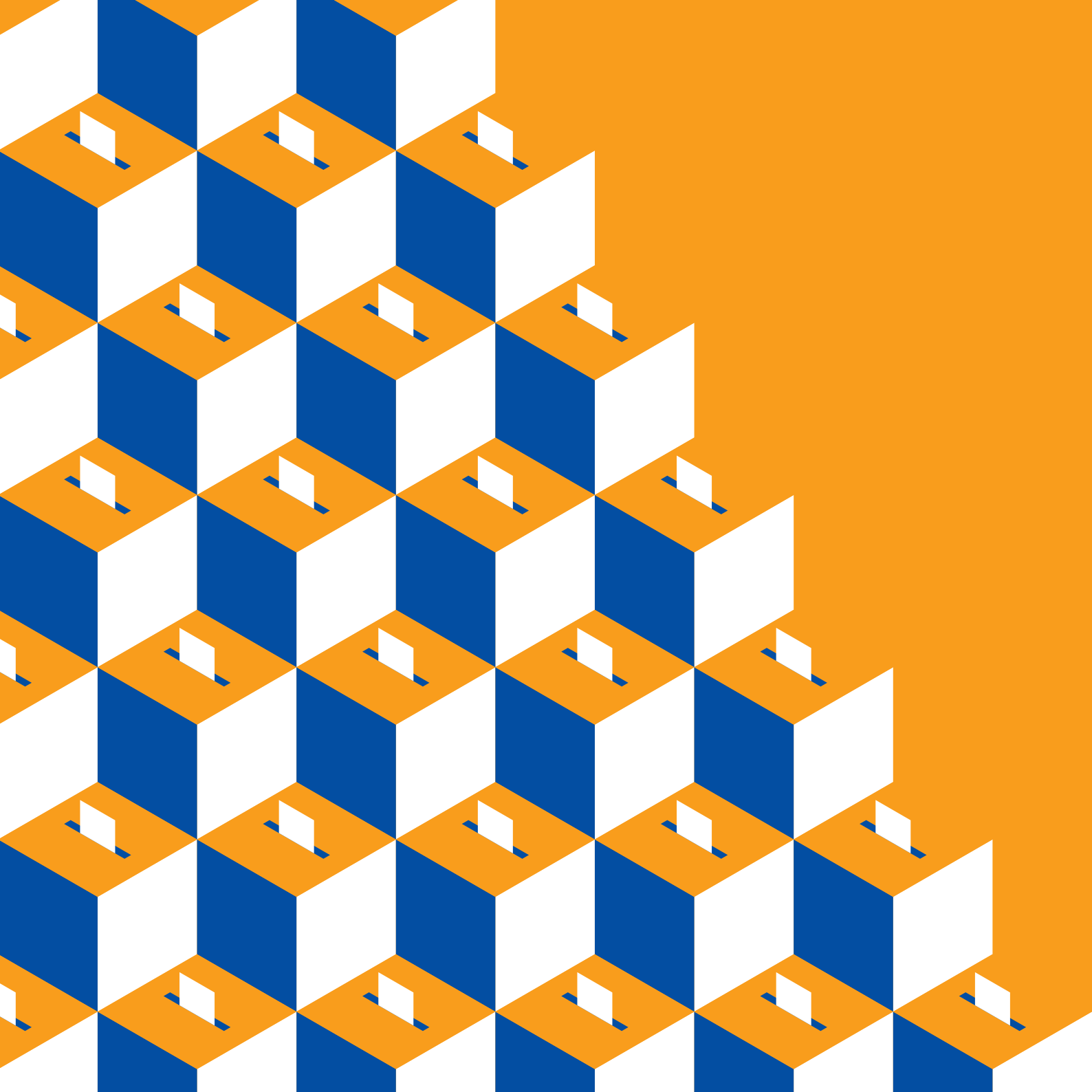


RECOMMENDATIONS FOR ELECTORAL SYSTEM

Belgrade, December 2015

ENG





Duži niz godina u Srbiji je aktuelna ideja o promeni izbornog sistema. Opšta je ocena da je postojeći izborni sistem u najmanju ruku neadekvatan za politički sistem Srbije i da je neophodna njegova promena. Ključna obeležja postojećeg proporcionalnog izbornog sistema su da se proces glasanja i distribucije mandata (ukupno 250) obavlja u jednoj izornoj jedinici, da se kandidati biraju sa zatvorene izborne liste i da se kao dodatni element pojavljuje cenzus od 5%. Katalog problema do kojih dovodi trenutni izborni sistem u Srbiji uključuje sledeće:

- (1) Nedovoljna geografska reprezentativnost - 96 gradova i opština u Srbiji, na čijoj teritoriji živi više od 1,5 miliona birača, nema nijednog poslanika u aktuelnom sazivu parlamenta;
- (2) Nedostatak komunikacije između birača i izabranih predstavnika građana kao posledica činjenice da se predstavnici biraju u samo jednoj izornoj jedinici;
- (3) Mali doprinos koji izborni sistem pruža procesu formiranja stabilne izvršne vlasti i
- (4) Izborni sistem nije sposoban da dozvoli pozitivan model formiranja političkih elita jer se izborni proces obavlja po modelu zatvorenih izbornih lista i direktno je zavisano od odluka stranačkog rukovodstva ili lidera.

The idea of reforming the electoral system in Serbia has been debated for years. The general opinion is that the current electoral system is inadequate, to say the least, for the Serbian political landscape, and that it needs to be altered. The key features of the existing proportional electoral system are: voting and distribution of seats in parliament (250 in total) take place in a single constituency; candidates are chosen from a closed electoral list; and electoral lists are subject to a five-percent threshold. Serbia's current electoral system is fraught with a number of issues, including:

- 1) *Insufficient geographical representation: As many as 96 towns and municipalities from across Serbia, accounting for more than 1.5 million voters, are not represented by a single Member in the current Parliament;*
- 2) *Lack of communication between voters and elected representatives, due to the single-constituency voting arrangement;*
- 3) *The electoral system contributes little to the formation of a stable Government, and*
- 4) *The electoral system is not able to promote a positive model for the formation of political elites, as the voting process is based upon closed electoral lists and is directly dependent on decisions made by party leaderships or individual leaders.*

Preporuke za promenu izbornog sistema koje predlaže CeSID su sledeće:

- 1) *Podela Srbije na 250 izbornih jedinica u procesu glasanja (250 narodnih poslanika u Narodnoj skupštini je ustavna kategorija) umesto dosadašnje jedne izborne jedinice;*
- 2) *Uvođenje personalizovanog biračkog listića na kome bi biračima bila ostavljena mogućnost da glasaju i za konkretnog kandidata, a ne samo za političku stranku ili izbornu listu;*
- 3) *Stranka je osvojila onoliko glasova koliko su zbirno osvojili njeni kandidati u izbornim jedinicama u kojima su se kandidovali umesto aktuelnog principa u kome ukupan broj listića na kojima je zaokružena jedna izborna lista predstavlja ukupan broj glasova koje je ona osvojila u toj izornoj jedinici i*
- 4) *Predstavnik građana postaje onaj koga izaberu građani, a ne stranka, a na osnovu rang liste kandidata po procentu osvojenih glasova.*

CeSID recommends that the following changes be made to the electoral system:

- 1) *Serbia should be divided into 250 constituencies for purposes of voting (as a 250-Member Parliament is mandated under the Constitution) instead of the single constituency in place today;*
- 2) *Personalized ballot papers should be introduced, whereby voters would be able to vote not only for a political party or electoral list, but also for an individual named candidate;*
- 3) *The number of votes a party is deemed to have won should be the sum of the votes received by all of its candidates in all constituencies in which they stood for election, unlike the current arrangement, in which the total number of ballots cast for a particular list is considered to be the number of votes the list has won in that constituency, and*
- 4) *Representatives should be elected by voters, rather than selected by political parties, pursuant to candidate rankings based on the numbers of votes won.*

KRITERIJU- MI ODABIRA IZBORNOG SISTEMA

CeSID je pošao od pet ključnih zahteva ili kriterijuma koji su najvažniji u odabiru izbornog sistema: (1) reprezentativnost, (2) neposrednost, (3) formiranje stabilne vlasti i rešavanje konflikata, (4) poštovanje međunarodnih standarda i (5) formiranje stranačkih elita. U okviru svakog od ovih zahteva, opisaćemo trenutnu regulativu i najveće probleme u njenoj primeni.

U drugom delu, navešćemo preporuke imajući u vidu navedene zahteve i probleme u dosadašnjoj praksi.

REPREZENTATIVNOST

Jedan od ciljeva koji se želi postići pri odabiru izbornih sistema je **obezbeđenje reprezentativnosti**. Izborni sistemi treba da zadovolje tri različita tipa reprezentativnosti: geografsku reprezentativnost, reprezentativnost manjina i manjinskih grupa i političku reprezentativnost.

Geografska reprezentativnost podrazumeva da jedinice lokalne samouprave, manja i

CRITERIA FOR SELECTING AN ELECTOR- AL SYSTEM

CeSID took as its starting point five key requirements or criteria that are the most important for selecting an electoral system: (1) representation; (2) proximity; (3) formation of a stable Government and conflict resolution; (4) adherence to international standards; and (5) establishment of party-political elites. For each of these requirements, we will outline the current legislation and the major problems in its implementation.

REPRESENTATION

One of the objectives to achieve when selecting an electoral system is to **ensure representation**. Electoral systems should provide for three different types of representation: geographical representation; minority representation; and political party representation.

Geographical representation means that local governments, smaller or larger populated places, geographical communities, or regions (in national-level elections) should be repre-

veća naseljena mesta, geografske zajednice, odnosno regioni kada su u pitanju nacionalni izbori, budu predstavljene preko svojih članova u zakonodavnim telima.

Krajnja svrha zahteva za *reprezentativnošću manjina i manjinskih grupa* jeste da utiču na reprezentativnost marginalizovanih i manjinskih grupa, što podrazumeva zastupljenost etničkih skupina u zakonodavnom telu, ali i ravnomernu zastupljenost polova.

Politička reprezentativnost podrazumeva da je procenat glasova koji osvoji neka stranka isti ili sličan procentu osvojenih mandata u zakonodavnom telu koje se bira. Ovaj tip reprezentativnosti se uzima kao najčešći obrazac kojim se ukazuje da li je u zakonodavnom telu zadovoljena forma predstavljenosti. Opšte je pravilo da izborni sistem koji dovode do što većeg poklapanja procenta osvojenih glasova i broja osvojenih mandata ispunjava zahtev reprezentativnosti.

Važeći izborni sistem Srbije različito odgovara na svaki od postavljenih kriterijuma reprezentativnosti. Čini se da je naproblematičniji koncept geografske reprezentativnosti. Poslednja analiza iz marta 2015. godine Nacionalne koalicije za decentralizaciju iz Niša (NKD)¹ ukazuje da 96 gradova i opština u Srbiji, na čijoj teritoriji živi više od 1,5 miliona birača,

¹ „Teritorijalna zastupljenost Srbije u parlamentu i dalje loša“. Dostupno na: www.decentralizacija.org.rs

sented by members from those communities serving on legislative bodies.

The ultimate aim of *minority representation* is to ensure representation of marginalized and minority groups. This includes representation of ethnic groups in legislative authorities, as well as equal gender representation.

Political representation means that the percentage of votes received by a party is identical or similar to the percentage of seats it gains on the legislative body whose members are being elected. This type of representation is taken as the most common point of reference in ascertaining whether a legislative body meets formal criteria to be considered representative. As a rule, political systems allowing for as close a match as possible between percentages of votes received and number of seats allocated are deemed representative.

Serbia's current electoral system deals with each of these representation criteria differently. Geographical representation seems to pose the greatest challenge. The latest analysis, performed in March 2015 by the National Coalition for Decentralization of Niš (NCD), indicates that 96 towns and municipalities in Serbia, representing a population of more than 1.5 million voters, do not have a single representative in the current Parliament.¹

¹ “Teritorijalna zastupljenost Srbije u parlamentu i dalje loša” [“Serbia's territorial representation in Parliament remains poor”]. Available at www.decentralizacija.org.rs

nema nijednog poslanika u aktuelnom sazivu parlamenta. U analizi se navodi i da u Beogradu (sa okolnim opštinama) živi manje od četvrtine stanovništva Srbije, a u parlamentu je u poslednja tri saziva (2008-2014) više od trećine poslanika (35%) dolazilo upravo iz Beograda.

Kada je u pitanju predstavljenost manjinskih i/ili ugroženih grupa, postojeći izborni sistem ima nekoliko dodatnih mehanizama kojima u značajnoj meri odgovara na zadate kriterijume. Kada je u pitanju predstavljenost etničkih zajednica, izborne liste koje zagovaraju interese tih grupa su izuzete od opšteg pravila o cenzusu od 5%. Za njih važi tzv. prirodni prag (to je poslednji količnik u D'Ontov-oj matrici) čime je strankama manjina omogućeno da na znatno lakši način uđu u parlament. Kada je u pitanju rodna predstavljenost, proces kandidovanja zahteva učešće barem trećine kandidata manje zastupljenog pola kojim se obezbeđuje i učešće predstavnika tog pola u parlamentu.

Kada je u pitanju politička reprezentativnost može se reći da u Srbiji postoji stepen slaganja između procenta osvojenih glasova i procenta osvojenih mandata. Ovaj stepen slaganja varira od izbornog do izbornog procesa, jer je uslovljen brojem glasova koje osvoje liste koje nisu osvojile cenzusom (5%) definisan procenat glasova. Od broja tzv. „bačenih glasova“ zavisi i stepen ispunjenosti ovog kriterijuma, a od uvođenja postojećeg izbornog sistema on je

This study also states that Belgrade (with its outlying municipalities) was home to less than one-quarter of the Serbian population, yet more than one-third of all Members of the past three Parliaments (2008-2014) came from the capital.

Several of the current electoral system's supplementary mechanisms allow it to meet minority representation criteria to a large extent. Firstly, electoral lists that advocate interests of ethnic communities are exempt from the general five-percent threshold. They are subject to the so-called "natural threshold" (the final quotient in the D'Hondt matrix), which makes it significantly easier for ethnic minority parties to enter Parliament. Secondly, when it comes to gender representation, the nomination process requires at least one-third of all candidates to be of the "under-represented gender", which ensures that people of that gender (in practice, women) actually enter the legislature.

As for political representation, in the Serbian system, the degree of correspondence between the percentage of votes won and the percentage of seats obtained by a particular electoral list varies from one election to the next, as it depends on the number of votes gained by electoral lists that fail to cross the (five-percent) threshold. These "wasted" votes determine to what extent this criterion is complied with; the 2014 election resulted in the

bio najmanje ispunjen na poslednjim izborima iz marta 2014. godine.²

NEPOSREDNOST

Uspostavljanje odnosa *neposrednosti između kandidata, odnosno izabranih predstavnika građana i birača* je drugi važan zahtev koji se postavlja u procesu odabira izbornog sistema. Personalizacija izbornog procesa je važna iz nekoliko razloga: 1) **u izbornom procesu birači više vole da glasaju za pojedince, koji svojim ličnim kvalitetima daju garancije za program za koji se zalažu** (sa tvrdnjom „Bolje bi bilo da građani imaju mogućnost da glasaju pojedinačno za odbornike ili poslanike, nego da glasaju isključivo za stranačke liste“ slaže se 63% ispitanih građana u junskom istraživanju javnog mnjenja), 2) mogućnost da se traži opoziv predstavnika koga su izabrali, ukoliko smatraju da ne obavlja posao onako kako bi građani želeli, 3) postojanje mogućnosti da svom predstavniku direktno postavljaju pitanja o politici koju sprovodi. Najvažnija posledica neposrednosti se sastoji u činjenici da birači mogu, ukoliko nisu zadovoljni ponašanjem ili radom nekog kandidata, da mu uskrate poverenje na sledećim izborima.

U postojećem izbornom sistemu u Srbiji, gde se proces glasanja obavlja u jednoj izbor-

² Prema efektima D'Ontove matrice koja se primenjuje za raspodelu mandata u Srbiji, tzv. bačeni glasovi se „distribuiraju“ strankama/izbornim listama koje se prošle cenzus od 5% proporcionalno osvojenom broju glasova.

lowest degree of compliance since the introduction of the current electoral system.²

PROXIMITY

The second important requirement to keep in mind when choosing an election system is *how close it allows members of the public to be to candidates or elected representatives*. Personalizing the electoral system matters for a number of reasons: 1) **Voters prefer to vote for individuals whose personal traits guarantee the integrity of election manifestos they stand for** (a total of 63 percent of respondents polled in June 2015 said they agreed with the statement that “It would be better for members of the public to be able to vote for individual councilors or MPs than exclusively for party lists”), 2) This allows constituents to seek the replacement of a representative if they believe his or her actions are contrary to their wishes, 3) Constituents can also directly question their representatives about the policies they pursue. The main consequence of proximity, however, is the ability of the electorate to choose not to re-elect candidates who behave or perform poorly.

In Serbia's current electoral system, where the electorate votes for 250 candidates in a single

² According to the D'Hondt matrix, as used for the distribution of seats in Serbian elections, “wasted” votes are “distributed” to parties/electoral lists that have crossed the five-percent threshold in proportion to the number of votes they have won.

noj jedinici sa 250 kandidata, ne postoji ni minimalan element neposrednosti odnosno komunikacije između birača i izabranih predstavnika. U takvom sistemu, stranka (najčešće usko stranačko rukovodstvo ili lider) kreira listu kandidata, pa birači nemaju mogućnost da izraze svoje preference niti da na bilo koji način utiču na pojedinačne sudbine kandidata - glasanje se obavlja samo u bloku za izbornu listu. To znači da su narodni poslanici odgovorni samo stranci, a ne biračima.

FORMIRANJE STABILNE VLASTI I REŠAVANJE KONFLIKATA

Stvaranje mogućnosti za *formiranje stabilne vlasti* posle izbora spada u red važnih zahteva koji se postavljaju pred odabir izbornog sistema. Shodno efektima koje proizvode, možemo reći da većinski izborni sistemi dovode do lakšeg formiranja stabilne izvršne vlasti, dok proporcionalni modeli stvaraju fragmentisaniju političku scenu i teže dovode do formiranja političkih većina. U proporcionalnim sistemima najčešće dolazi do stvaranja koalicionih vlada.

Osim zahteva za formiranje stabilne vlasti pred izborni sistem postavlja se i zahtev za *rešavanje konflikata*. U državama poput Srbije koje nisu homogene, već su etnički i religijski heterogene, izborni proces je važna stepenica

constituency, there is not even the barest minimum of proximity or communication between voters and their elected representatives. In such a system, it is political parties (and, in practice, most frequently their highest-ranking officials or paramount leaders) that draw up lists of candidates, meaning that voters are unable to express their preferences or affect the individual destiny of any candidate: votes are cast solely *en bloc*, for electoral lists. This means that Members of Parliament are accountable only to their parties, rather than to their constituents.

FORMATION OF A STABLE GOVERNMENT; CONFLICT RESOLUTION

Creation of preconditions for the *formation of a stable Government* following an election is among the more important demands placed before an electoral system. Given their effects, we may say that majority electoral systems facilitate the formation of stable executive bodies, while proportional models create a more fragmented political stage, making it more difficult to establish political majorities. Coalition governments are the most frequent outcomes of voting in proportional systems.

In addition to being required to provide a basis for the establishment of a stable Government, an electoral system must also be able to *re-*

u institucionalnom rešavanju složenih društvenih i političkih konflikata. Izborni sistem treba da vodi računa da različitim društvenim grupama omogući učestvovanje u procesu donošenja odluka. Na taj način izborni sistem sukobljenim opcijama daje legitimitet da zastupaju grupe u sukobu, ali i obavezuje da konflikt institucionalizuju i reše u korist čitave zajednice čiji su oni članovi.

Evidentno je da postojeći izborni sistem u Srbiji, bar kada je u pitanju formiranje stabilne vlasti, daje različite rezultate. Sve vlade od 2000. godine do danas su koalicione, s tim da je poslednja izvršna vlast iz 2014. godine koalicija širokog karaktera. U tom smislu možemo reći da postojeći izborni sistem, sem cenzusa koji posredno ukрупnjava političku scenu i doprinosi efektu formiranja političke većine, nema drugih efekata koji stvaraju preduslove za formiranje stabilne izvršne vlasti. U ovom kontekstu, pod stabilnom izvršnom vlašću mislimo na mogućnost formiranja homogenih političkih većina, bez prevelikog koalicionog uslovljavanja.

Kada je u pitanju zahtev za rešavanjem konflikata, postojeći izborni sistem u određenoj meri doprinosi rešavanju konflikata. On omogućava učešće političkih predstavnika etničkih grupa na nivou minimalnog broja glasova (prirodni prag), koliko je neophodno za osvajanje jednog poslaničkog mandata. Na taj način, etničke grupe imaju mogućnost da

solve conflicts. In countries such as Serbia, which are ethnically not homogeneous but, rather, have populations diverse in terms of ethnicity and religion, the electoral process is an important step in the institutional resolution of complex social and political conflicts. The electoral system should ensure that all these various social groups are able to participate in decision-making. In doing so, the electoral system gives legitimacy to opposing options in representing parties to these conflicts, but at the same time requires them to institutionalize the conflicts and resolve them to the benefit of the broader community they are part of.

It is apparent that the current electoral system in Serbia has not been consistently effective, at least when it comes to forming stable Governments. All Governments from 2000 onwards have been coalitions; the current cabinet, which came to power following the 2014 election, is a broad coalition. In that regard, we may say that, except for the threshold that has indirectly contributed to the consolidation of the political scene, the current electoral system has not created any other preconditions for the establishment of a stable Government. In this context, by "stable Government" we mean a homogeneous political majority that is not subject to excessive compromises inherent to coalitions.

uđu u parlament i u proces donošenja odluka, a samim tim dobijaju i mogućnost da budu deo izvršne vlasti. Na taj način se eventualni konflikti rešavaju u okviru institucija, sa akterima koji imaju legitimitet, čime se promoviše međuetnička politika i stvaranje međuetničkih koalicija.³

Na drugoj strani, izborni prag od 5% (a to je u praksi oko 200.000 glasova), jeste faktor koji utiče na predstavljenost pojedinih grupa u parlamentu jer je nakon poslednjih izbora 2014. bilo 21% tzv. „bačenih glasova“. Potencijalno to može da dovede do vaninstitucionalnih modela predstavljanja i delovanja grupa koje nemaju svoje zastupnike u parlamentu, naročito ukoliko neke od njih budu ojačale i povećale svoje učešće u biračkom telu.

³ Više o izbornim sistemima kao načinu rešavanja problema u nehomogenim društvima u radovima Arendt Lijphart (konsocijativni model) i Donald Horovitz (integrativni model).

The current system contributes to conflict resolution to some extent. It enables participation of political representatives of ethnic groups by allowing them to enter Parliament provided they gain the minimum number of votes (the “natural threshold”) needed to obtain a seat in the legislature. Ethnic groups are thus able to achieve parliamentary representation and become involved in the decision-making process, which gives them the option to become part of the executive. This means any conflicts are resolved within institutions, where all actors enjoy legitimacy, which in turn promotes inter-ethnic policies and inter-ethnic coalitions.³ On the other hand, the five-percent threshold (which in practice translates to some 200,000 votes) has affected the representation of certain groups in Parliament: for instance, some 21 percent of votes cast in the 2014 elections turned out to be “wasted votes”. This could potentially lead to extra-institutional models of representation and action by groups that lack Parliamentary representation, particularly if some of these groups grow or if their popularity among the electorate increases.

³ For more information on electoral systems as means of resolving conflicts in heterogeneous societies, see the works of Arend Lijphart (“consociational model”) and Donald Horowitz (“integrative model”).

PRIMENLJIVOST I POŠTOVANJE MEĐUNARODNIH STANDARDA

Izborne formule, odnosno izborni sistemi moraju da budu *primenljivi*. Pod primenljivošću izbornih sistema podrazumevamo da odgovaraju istorijskim, geografskim i političkim okolnostima zemlje (isti izborni sistem može da proizvode različite efekte u različitim kontekstima), da je razumljiv biračima (shodno njihovim socio-demografskim karakteristikama) i da ispunjava niz tehničkih kriterijuma (kakvi su modeli glasanja, kako se pristupa biračkom mestu, obezbeđenje tajnosti glasanja i sl.). Sistem treba da obezbedi i da što veći broj birača učestvuje na izborima, te stoga nije samo važno da oni poznaju njegove elemente, već je važno da sistem ne demotivise izbornu učesnike.

Ne treba zaboraviti da svaki izborni sistem treba da odgovara *međunarodnim normama i standardima*. Niz međunarodnih konvencija i deklaracija (Ujedinjene nacije, OEBS, Savet Evrope) definiše standarde koji se odnose na izborne sisteme zemalja koje su članice tih međunarodnih udruženja. Deo tih standarda se ogleda u eksplicitnim načelima (neposrednost, jednakost i tajnost glasanja) koja treba svaka država članica da poštuje, dok se deo odnosi na preporuke i trendove koje države treba da prate.

APPLICATION OF AND RESPECT FOR INTERNATIONAL STANDARDS

Electoral formulas and electoral systems need to be *applicable*. By “applicable” we mean electoral systems that are compatible with the historical, geographical, and political background of a country (as the same electoral system can have different effects in different contexts); understandable to the public (with regard to its social and demographic characteristics); and compliant with certain technical criteria (modes of voting, access to polling stations, ballot secrecy, etc.). The system should ensure the highest possible turnout in an election; therefore, it is not only important for the public to be aware of the elements of the electoral system, but also for these elements not to discourage participation in the electoral process.

Every electoral system should also respect *international standards*. A number of international conventions and declarations adopted by international organizations define standards applicable to the electoral systems of their member countries. Some of these standards are reflected in explicit principles (direct and equal suffrage, secrecy of the ballot) that each member state must adhere to, whereas others constitute recommendations that member states should take into account.

Kada je u pitanju primenljivost postojećeg izbornog sistema u Srbiji on ne stvara značajnije probleme u samoj primeni. Ključni kriterijum je broj nevažećih glasova, a on se kretao u proseku oko 2% u najvećem broju izbornih ciklusa, sem na izborima 2012. godine kada je postojala politička aktivnost „belih listića“ koja je povećala ovaj procenat.

Kada su u pitanju međunarodni standardi koji su opšteg karaktera i na neki način *imperativne* (obavezujuće) *prirode*, postojeći izborni sistem ne krši nijednu značajniju preporuku. Poslednja značajna promena se ticala prirode poslaničkog mandata (do 2011. godine na snazi je faktički bio imperativni mandat u kome poslanici nisu bili vlasnici mandata, već stranke), ali je ona promenjena izmenama izbornih zakona iz 2011. godine.

FORMIRANJE STRANAČKIH ELITA

Kao veliki i standardizovani organizacioni sistemi, u modernim demokratijama jedino su stranke u mogućnosti da kreiraju i vode politiku i okupljaju relevantan broj izbornih kandidata. To ne znači da izborni sistem treba da guši ideju nezavisnog kandidovanja i političkog vanstranačkog organizovanja, ali realnost pokazuje da ne treba ni da ga favorizuje.

Najveći nedostatak postojećeg izbornog sistema u Srbiji ogleda se u činjenici da on nije

Serbia's current electoral system has not faced major applicability issues. The key criterion here is the number of invalid ballots, which has hovered around the two percent mark in most elections to date, excepting only the 2012 polls, which saw a major "spoil the ballot" campaign that drove this percentage up.

The current system, however, does not infringe upon any major general and *binding* international standards. The last significant change involved the nature of the mandate of individual Members of Parliament (until 2011 the mandate was *de facto* imperative, where only parties rather than individual Members were able to dispose of seats in Parliament), but this changed with amendments to electoral legislation enacted in 2011.

ESTABLISHMENT OF PARTY-POLITICAL ELITES

Only political parties, being large and standardized entities, can create and pursue policies and gather sufficient numbers of candidates for elections. This does not mean that the electoral system should stifle any independence in standing for election, or non-party organization, but experience has shown that it should not favor this type of approach either.

The primary drawback of Serbia's current electoral system is its inability to promote a positive model for the establishment of par-

sposoban da dozvoli pozitivan model formiranja političkih elita. Pod pozitivnim modelom formiranja političkih elita u ovom kontekstu podrazumevamo proces u kome se kandidati biraju kroz proces unutarstranačke demokratije uz mogućnost da u izbornom sistemu i birači neposredno iskažu svoje preference.

Imajući u vidu da se izborni proces obavlja po modelu zatvorenih izbornih lista lako je zaključiti da proces formiranja političkih elita pripada stranačkom rukovodstvu ili lideru. Trajanje i sistem organizovanja političkih stranaka u Srbiji uz jake liderske tendencije nisu obezbedili dovoljno jasne unutarstranačke mehanizme u kojima postoje demokratski postulati izbora političkih kandidata.

U praksi je tako najčešći slučaj da lideri stranaka i uža rukovodstva određuju ko će biti kandidati na izbornoj listi. To im omogućava da direktno određuju kvalitet političke elite. To znači da se više ceni odnos kandidata sa vrhom stranke ili liderom, kao i njihova lojalnost prema njima lično a ne prema stranačkom programu, nego prepoznatljivost i priznatost u lokalnoj zajednici, obrazovanje, profesionalni status ili uspešna karijera. Izbor političke elite nije po kriterijumima poželjne elite, već po kriterijumima koje određuju stranački lideri. Tako građani nemaju značajnijeg upliva u ovaj izbor (ne mogu neposredno da utiču na selekciju kandidata) i mogu samo da potvrde ili ne izbor stranačkog rukovodstva.

ty-political elites. By a “positive model” we mean an arrangement that involves selection of candidates in a democratic process within each party, with the electorate also being able to voice its preferences by means of the electoral system.

As the election process is based upon closed electoral lists, it is clear that the elite of each political party is established by a college of party leaders, or the party’s paramount leader, rather than by the electorate. To date, none of the political parties in Serbia have been able to institute democratic internal mechanisms to select candidates to stand for election, a problem that has been compounded by the dominance of strong individual party leaders.

In practice, therefore, it is party leaders and leaderships that select candidates, which allows these governing structures to directly influence the quality of the political elite. This in turn means that a candidate’s relationship with the party’s higher echelons, and his or her loyalty to the party’s leadership (and not to its election manifesto) matter more than the candidate’s visibility or recognition in the local community, education, professional standing, or a distinguished career. Political elites are chosen not based on how desirable they are, but rather according to criteria set by party leaders. Voters can play no significant or direct role in candidate selection, and their only option is to endorse (or not) the choice made by the party’s leadership.

PREPORUKE ZA IZMENU IZBORNOG SISTEMA U SRBIJI

U Srbiji je 1990. godine uveden većinski dvokružni izborni sistem i po toj izornoj formuli su održani prvi višestranački izbori. Bez obzira na brojne prednosti koje nosi većinski sistem (direktna veza birača i predstavnika, predstavljenost svih izbornih jedinica, stabilna vlada), on je u Srbiji pokazao veliki broj nedostataka. Oni su, pre svega, povezani sa manipulacijama oko izborne geografije odnosno broja i veličine izbornih jedinica (što dovodi do velike disproporcije između procenta osvojenih glasova i procenta osvojenih mandata), favorizovanja nezavisnih kandidata i destabilizacije političke scene kao nus-proizvoda većeg broja nezavisnih političkih subjekata. Opozicija je nakon ovih izbora insistirala na promeni izbornog sistema, pa su sledeći izbori održani po proporcionalnoj formuli, kada je Srbija bila podeljena na devet izbornih jedinica. Na parlamentarnim izborima 1997. godine bilo je 29 izbornih jedinica, dok je trenutni izborni sistem u primeni od 2000. godine, sa teritorijom čitave zemlje kao jedne izborne jedinice. Sve vreme cenzus

RECOMMEN- DATIONS FOR ELECTORAL REFORM IN SERBIA

A two-round majority electoral system was introduced in Serbia in 1990; the first multi-party elections were held with this system in effect. Regardless of the many advantages of the majority system (direct link between voters and representatives; representation of all constituencies; stable government), there were many drawbacks to its implementation in Serbia. Most importantly, this system was prone to manipulation of electoral geography (i.e. gerrymandering), which led to a substantial discrepancy between the number of votes received and number of seats won by each party in Parliament. Moreover, it favored independent candidates and fragmented the political scene by creating many independent political entities. After this election, the opposition parties at the time insisted on changes to the electoral system, so when Serbia went to the polls again the proportional formula was used, with the country divided into nine constituencies. There were 29 constituencies in the 1997 parliamentary election, but the current system, in use since 2000, treats the whole of

iznosi 5%, a preračunavanje glasova u mandate obavlja se po D'Ontovoj formuli. Poslednja izmena izbornog sistema sprovedena je 2003. godine kada jeza partije manjina ukinut izborni cenzus i uveden prirodni prag.

CeSID je formulisao set preporuka koje su definisane na osnovu gore definisanih zahteva koji se postavljaju pred izborne sisteme i problema do kojih je dovela primena trenutnog izbornog sistema u Srbiji.

Preporuke koje predlažemo idu u pravcu uvođenja personalizovanog proporcionalnog sistema u Srbiji. Naše preporuke za promenu izbornog sistema su sledeće:

PREPORUKA 1: 250 IZBORNIH JEDINICA

Trenutni izborni sistem predviđa da se 250 narodnih poslanika bira u jednoj izornoj jedinici.

Prva preporuka se odnosi na uvođenje 250 izbornih jedinica, umesto jedne, pa da se proces glasanja obavlja u 250 izbornih jedinica umesto u jednoj.

Izborne jedinice treba da budu približno iste veličine po broju birača. Svaka stranka ili lista mora da prijavi kandidate u barem jednoj trećini izbornih jedinica, osim stranaka manjina koje to treba da urade u jednoj desetini izbornih jedinica. Osim imena svakog

Serbia as a single electoral district. The threshold has stood at five percent since 1990, with parliamentary seats allocated according to the D'Hondt method. The election system was last reviewed in 2003, when for minority parties the five-percent electoral threshold was replaced by the "natural" threshold.

CeSID has developed a set of recommendations for reforming the Serbian electoral system that are designed around the requirements outlined above that an electoral system must meet and intended to solve the problems caused by the arrangements currently in force in Serbia.

These recommendations focus on the introduction of a personalized proportional electoral system, and are as follows:

RECOMMENDATION 1: ESTABLISHMENT OF 250 CONSTITUENCIES

The current electoral system envisages the election of 250 Members of Parliament in a single constituency.

The first recommendation is to replace the single constituency with 250 electoral districts that voting would take place in.

These constituencies should be of approximately equal size in terms of the numbers of voters. Each party or list would have to declare candidates in at least one-third of all constituencies, excepting minority parties, which

kandidata, stranka mora da naznači izbornu jedinicu u kojoj se on kandidovao. Ovo će dugoročno „primorati“ političke stranke na odabir i kandidovanje većeg broja kvalitetnih osoba, koje građani prepoznaju po profesionalnom angažmanu u zajednici.

Uvođenje 250 izbornih jedinica u ovakvom sistemu neće dovesti do problema u izbornoj geografiji. U proporcionalnom izbornom sistemu, problemi „krojenja“ izbornih jedinica koji postoje u većinskom izbornom sistemu ne proizvode efekat manipulacije sa izbornom geografijom. Potencijalne manipulacije u formiranju izbornih jedinica utiču samo na unutarstranačke odnose. Bolja pozicija kroz „prekranje“ izbornih jedinica može se steći samo na štetu kolega iz iste stranke što otvara pitanje njihove motivacije da se bore za svoju kandidaturu, a time neposredno i za stranački rezultat u celini. Na taj način će se uvažiti sve specifičnosti različitih sredina u Srbiji: političke, ekonomske i geografske.

PREPORUKA 2: PERSONALIZOVANI STRANAČKI GLASAČKI LISTIĆ

Preporuka je da ubuduće glasački listić sadrži imena kandidata sa političkim strankama koje su ih kandidovale (na primer, Petar Petrović, ispred stranke A i tako redom). Na taj način, građani će imati priliku da glasaju za „konkretno ime i prezime“ kandidata, imajući u vidu

would have to cover one-tenth of all electoral districts. In addition to the name of each candidate, each party would need to state the election district in which the candidate will stand for election. In the long run, this will force parties to select and nominate a greater number of more desirable candidates, who will be recognized as such by voters for their professional engagement in each community.

Introducing 250 constituencies under this system will not lead to any changes to electoral geography. A proportional electoral system precludes gerrymandering that may occur in a majority system. Such gerrymandering would affect only internal party relationships, as one candidate would stand to benefit through such manipulation only at the expense of colleagues from the same party, which would hurt their motivation to campaign for their seats and, by extension, damage the party's overall result. A greater number of constituencies would also ensure that the individual characteristics (political, economic, and geographical) of the various regions of Serbia are taken into account.

RECOMMENDATION 2: PERSONALIZED BALLOT

We recommend that ballot papers contain the names of each candidate and political party that nominated him or her (for example, “Petar Petrović, standing for election as representative of Party A”, and so on). Voters

njegove lične i profesionalne kvalitete, ali će građanima biti ostavljena i mogućnost da znaju stranačku pripadnost kandidata. Osim imena svakog kandidata, stranka mora da naznači i izbornu jedinicu u kojoj se on kandidovao. Po završetku procesa kandidovanja formiraju se liste kandidata iz različitih stranaka po svim izbornim jedinicama.

Svaki birač će u okviru svoje izborne jedinice imati spisak kandidata, koji će se tu naći sa „imenom i prezimenom“, ali i sa stranačkom pripadnošću. Svoj izbor birači će iskazivati glasanjem za jednog od ponuđenih kandidata. Glasačima se omogućava da iskažu sve motive odabira određene stranke: 1) oni mogu da glasaju za pojedince bez obzira na to iz koje su stranke, 2) za stranku, bez obzira na to koji je pojedinac predstavlja, 3) a mogu da imaju i neki drugi motiv. Veza sa kandidatima se nastavlja i posle izbornog procesa, jer se tačno zna koji predstavnik dolazi iz koje izborne jedinice.

Na taj način se napušta dosadašnja praksa glasanja koja je podrazumevala da se na glasačkom listiću nalaze samo nazivi izbornih lista (bez obzira na to što je po biračkim mestima postojao spisak kandidata, građani najčešće nisu znali koji kandidati sačinjavaju koju izbornu listu).

would thus be able to vote for an individual named candidate, recognized for his or her personal and professional qualities, but would also be aware of that candidate's political party affiliation. In addition to the name of each candidate, the party would also have to indicate the constituency in which the candidate is standing for election. After the nomination process is complete, a list of candidates from the various political parties will be established for each constituency.

In each electoral district, each voter will be presented with a list of candidates identifying them by name, but also indicating their political party affiliations. In casting their ballots, voters will select one of the candidates listed. It will thus be at the discretion of each voter to either: 1) vote for an individual, regardless of his or her association with a political party; 2) vote for a party, regardless of the individual representing it; or 3) vote with an altogether different motive. The link with an elected candidate will be maintained after the election process is complete, as voters will know exactly which Member of Parliament comes from which electoral district.

This will be a departure from current practice, whereby ballot papers contain only the names of electoral lists (and, although lists of candidates are displayed at polling stations, voters often do not know which candidates belong to which list).

PREPORUKA 3: REZULTATI GLASANJA

Prema novoj izbornoj formuli koju predlažemo, stranka je osvojila onoliko glasova koliko su zbirno osvojili njeni kandidati u izbornim jedinicama u kojima su se kandidovali što znači da se zadržava visoka proporcionalnost između broja osvojenih glasova i broja dobijenih mandata. To znači, na primer, ukoliko kandidati neke stranke zbirno u svih izbornim jedinicama u kojima su se kandidovali osvoje 25% glasova ta stranka će imati približno 25% mandata u Narodnoj skupštini. Sve liste koje osvoje više od 5% važećih glasova na izborima ulaze u proces raspodele mandata. Za stranke manjina ova kvalifikacija nije neophodna i one ulaze u skupštinu ukoliko osvoje barem jedan mandat. Raspodela mandata se vrši po sistemu najvećih količnika (D'Ontova formula)⁴, kao što je bilo i do sada.

Gledano sa aspekta stranačkog rezultata, zadržava se ključna prednost proporcionalnog sistema u nehomogenim društvima, a to je visoka proporcionalnost između procenta osvojenih glasova i broja osvojenih mandata.

⁴ U sistemu najvećih količnika (tzv. D'Ontov sistem) mandati se raspodeljuju tako što se ukupan broj glasova koji je dobila svaka pojedina izborna lista podeli brojevima od jedan do 250. Dobijeni količnici razvrstavaju se po veličini, a u obzir se uzima 250 najvećih količnika. Svaka izborna lista dobija onoliko mandata koliko se najvećih količnika koji joj pripadaju nalazi među 250 najvećih. Poslanički mandati se dodeljuju kandidatima sa izborne liste prema njihovom redosledu, počev od prvog kandidata sa liste.


RECOMMENDATION 3: RESULTS OF VOTING

According to the new electoral formula we propose, each party would be allocated the sum of votes received by its candidates in all constituencies in which they stood for election; this will preserve proportionality between the number of votes and seats won as far as is possible. For example, if a party's candidates win 25 percent of all votes in all constituencies in which they stood for election, that party will gain approximately 25 percent of all seats in Parliament. Seats will be allocated to all electoral lists that win more than five percent of valid votes cast in an election. This qualification step will not be necessary for minority parties: they will enter Parliament provided they win at least one seat. Seats will be allocated using a highest averages method (the D'Hondt method),⁴ the same as under the current system.

The proposed changes will not affect the key advantage of the proportional system in heterogeneous societies: its high level of

⁴ Under the D'Hondt method, as applied in Serbia, seats are allocated by dividing the total number of votes cast for each electoral list by divisors ranging from 1 to 250. The resulting quotients are arranged by size, with the highest 250 taken into consideration. The number of seats that each party will receive will correspond to the number of its quotients found among the top 250 quotients. Seats will be assigned to candidates from the electoral list based on their order on that list, starting with the first candidate.

Nema nikakvih razlika u pogledu broja glasova koje stranka osvoji putem kandidatskih lista u kojima građani glasaju za konkretnog pojedinca u odnosu na ono što su stranke do sada osvajale na zatvorenoj listi. Bolji izborni rezultat imaju one stranke koje biračima ponude kvalitetnije kandidate. To znači da će stranke ubuduće moći da dobiju glasove i na račun stranke u celini (njenog imidža, programa), ali i na osnovu angažmana, kvaliteta i uticaja predloženih kandidata. Manje glasova osvojiće one stranke koje budu nastavile politiku ne-transparentnog protežiranja određenih kandidata koji nemaju podršku birača.

 **PREPORUKA 4: PREDSTAVNIK GRAĐANA POSTAJE ONAJ KOGA IZABERU GRAĐANI, A NE STRANKA**

Preporuka je da izborni sistem bude takav da stranke ni na koji način ne mogu da utiču na to koji od kandidata postaje izabrani predstavnik građana. Nova rešenja bi predvidela da se u okviru svake stranke napravi lista kandidata prema procentu glasova koji su ostvarili na izborima. Procenat glasova se dobija stavljanjem u odnos ukupnog broja upisanih birača po toj izbornoj jedinici i broja glasova koje je svaki kandidat osvojio. Stranačka lista uspešnosti se pravi tako što je prvi kandidat onaj sa najvećim procentom osvojenih glasova, drugi sa

proportion between the percentage of votes won and seats allocated. There is no difference between how many votes a party will win if members of the public vote for individual named candidates on its list, and that party's results in a closed-list election. This means that a party will henceforth be able to attract votes both by its overall appeal (its public image or electoral manifesto) and by the engagement, quality, and influence of its candidates. Parties that continue the non-transparent practice of putting forward candidates that receive no public support will receive fewer votes.

 **RECOMMENDATION 4: REPRESENTATIVES SHOULD BE CHOSEN BY THE PEOPLE RATHER THAN BY POLITICAL PARTIES**

Our recommendation is for the electoral system to prevent parties from influencing the choice of candidates who go on to become elected representatives. Under the new arrangement, following an election, each party would draw up a list of candidates corresponding to the percentage of votes it has won in that election. The percentage would be defined as the ratio of the total number of voters registered in each constituency to the number of votes won by each candidate. This internal "success list" would be headed by the candi-

drugim najvećim procentom i tako redom. Ukoliko je neka lista osvojila, na primer, pet mandata, u parlament ulazi prvih pet kandidata te liste sa najvećim procentom osvojenih glasova. U igri ostaje cenzus od 5% koji u ovakvom izbornom sistemu ima svrhu da smanji fragmentaciju stranačke scene.

Postoje dva osnovna razloga zašto se prilikom odabira narodnih predstavnika u obzir uzimaju procenti a ne apsolutni brojevi. Prvi, jer će postojati razlika u veličini izbornih jedinica. Drugi razlog je što se na ovaj način „nagrađuje“ visoka izlaznost na izborima: ukoliko u nekoj izbornoj jedinici imamo visoku izlaznost može se desiti da dva prvoplasirana kandidata uđu u Narodnu skupštinu, a ukoliko na izbore u drugoj izbornoj jedinici izađe mali broj građana desiće se da nijedan kandidat ne uđe u parlament.

Napominjemo da neće pobednik u svakoj izbornoj jedinici postati i predstavnik građana - čak može da se desi i da kandidat osvoji 60% ili 70% glasova u nekoj izbornoj jedinici, a da ne uđe u skupštinu – ukoliko njegova stranka nije osvojila dovoljno glasova da pređe izborni cenzus. Neće ni svi pobednici u izbornim jedinicama čije su stranke osvojile mandate ući u parlament. Može se desiti da neka stranka osvoji dva ili tri mandata a da nijedan od njenih kandida-

date who has won the highest percentage of votes; in second place would be the candidate with the second-highest percentage, and so on. If a list has won, for example, five seats, the first five candidates from that list, based on the percentage of votes received, will enter Parliament. The five-percent threshold would remain in effect as its function in this system is to reduce fragmentation of the political scene.

There are two main reasons why percentages, rather than absolute numbers, will determine the election of representatives. Firstly, not all constituencies will be identical in size. Secondly, this arrangement will reward high voter turnout: if there is high turnout in a constituency, two of its first-ranked candidates could become MPs; conversely, if few people turn out to vote in an electoral district, none of the candidates there may enter Parliament.

A candidate who wins the most votes in a constituency will not automatically be elected MP. A candidate may even win 60 or 70 percent of all votes cast in an electoral district and still not be elected if his or her party has failed to meet the five-percent threshold. Not all candidates who carry constituencies will be elected even if their parties do enter Parliament. A party may win two or three seats without any of its candidates coming first or second in any constituency, so its candidate

ta ne bude ni prvi ni drugi u svojim izbornim jedinicama, pa će neki od njenih kandidata kao trećeplasirani ući u Narodnu skupštinu.

Ovakvim rešenjem se prevazilazi dosadašnja praksa koja je obilovala brojnim nedemokratskim, a neretko i potpuno privatno motivisanim mehanizmima odabira kandidata koji će biti predstavnici građana. Konačnu odluku je uvek donosio stranački vrh zbog nepostojanja unutarstranačke demokratije i mogućnosti da birači (na bilo koji način) neposredno utiču na selekciju kandidata.

may be elected MP even if he or she was ranked third in his or her electoral district.

This arrangement will replace the current practice, which has provided ample scope for parties to choose candidates for MPs by undemocratic means (which were often motivated by purely private interests). Party leaderships always had the final say as parties were not run on democratic lines, whereas voters had no means of directly influencing candidate selection.

ZAKLJUČAK

Polazeći od četiri ključna problema trenutnog proporcionalnog izbornog sistema u Srbiji –depersonalizovanost poslanika (gubljenje veze između izabраних predstavnika i birača), fragmentacija stranačkog parlamentarnog sistema, metropolizacija reprezentacije (većina poslanika dolazi iz većih gradova, pa oko 1,5 miliona birača nema svog predstavnika u parlamentu) i negativne selekcija kandidata, CeSID je predložio preporuke za izmenu izbornog sistema u pravcu usvajanja personalizovanog proporcionalnog sistema.

Predložene preporuke imaju za cilj da zadrže najbolje iz trenutnog sistema – visoka proporcionalnost između broja osvojenih glasova i osvojenih mandata (uz zadržavanje cenzusa od 5% i D`Ontov-og sistema) i uvedu u praksu rešenja koja će da (1) osnaže vezu između narodnih poslanika i birača, (2) omoguće ravnomerniju geografsku reprezentaciju, (3) podstaknu procese unutarstranačke demokratije, (4) omoguće biračima da neposredno izraze svoje preference u selekciji kandidata i (5) stvore preduslove za pozitivnu selekciju političkih elita u Srbiji.

CONCLUSION

CeSID has developed a set of recommendations for electoral reform that intend to solve the four key problems faced by Serbia's current electoral system, namely: depersonalization of MPs (loss of bond between elected representatives and voters); fragmentation of the party-political system; over-representation of major urban centers (with most MPs coming from larger cities, leaving some 1.5 million voters without direct representation); and negative selection of candidates. These recommendations envisage the creation of a personalized proportional electoral system.

The recommendations aim at retaining the best feature of the existing system – Its high proportion between the number of votes received and number of seats allocated (as well as keeping the five-percent threshold and the D'Hondt method) – while introducing arrangements designed to: (1) strengthen the link between elected representatives and voters; (2) ensure equal geographical representation; (3) foster democratic party governance; (4) allow voters to directly express their preferences when candidates are selected; and (5) create preconditions for merit-based selection of political elites in Serbia.