

# Elections and democracy

[Politics](#), [Democracy](#)



Elections have widely been accepted as major tool for expressing the will of the people about the political government in a democratic state. It can be said that elections are a form of direct democracy as well as a democratic highway to a representative government . The concept of democracy, electoral systems and political parties is cardinal to the modern state but at the same time difficult to define. This assignment will attempt to explain these concepts and amplify the significance of electoral systems as a key pre requisite for democracy.

### Elections and Democracy

Commenting on the concept of democracy, Makinda held that democracy can be seen as: “... a way of government firmly rooted in the belief that people in a society should be free to determine their own political, social, economic and cultural systems.”

1 From the foregoing, it can be said that the concept of democracy is used to describe a political system designed to widen the participation of ordinary citizens in government, the powers of which are clearly defined and limited. The building pillars of any democratic political systems remain without any doubt, elections which are seen as the most critical and visible means through which all citizens can peacefully choose or remove their leaders,

2 In other words, elections are the principal instruments that compel or encourage policy makers to pay attention to the electorate (citizens)

3 It follows that in a democratic dispensation elections require the existence of a system that allows citizens to make a political decision by voting for competing candidates fielded by various political parties holding divergent

views and providing different alternatives . In this case, political opposition is held to be legal, legitimate and somewhat necessary because there will be no real test of the competence of the ruling party without the opposition in elections. It is generally agreed among political scientists that one of the key elements of a healthy democracy is the existence of an enduring opposition that critically checks the day to day activities of the ruling party.

4 The opposition parties point out defects in the ruling parties' public policies and make alternative proposals hoping that the voters will entrust them with power in four , five or six years' time. The opposition takes on the role of essentially being a government in waiting.

5 It can be said that in any political system the litmus test for democracy will be by default , the peaceful changeover of the reins of governmental power with the opposition winning elections and constituting a government with the ruling party quietly accepting the result and not responding with violence and intimidation . A notable case is that of Zimbabwe, where the ruling party accepted its defeat in the first round of the elections of March 2008 with trepidation and almost immediately resorting to absurd retribution .

6 It is with this in mind that the electoral system of any state takes centre stage . whether it allow the general populace to exercise their choice during elections or the system favours those currently in power. Electoral Systems

At its 51st session in June 2002, the Venice Commission for Democracy through Law adopted a number of standards which define the democratic running of elections. These were summarised in a CODE OF GOOD PRACTICE IN ELECTORAL MATTERS (Guidelines and Explanatory Report).

7 These European standards were formulated in two groups; the first group, Principles of Europe's Electoral Heritage, includes five basic principles which are universal suffrage, equal suffrage, secret vote and direct elections . The European commission further adds the characteristic ' periodical elections' to the five principles.

8. The second group is conditions for implementing the principals mentioned in the first group . These include: respectfor fundamental rights, high regulatory level and stability of objective electoral law , procedural guarantees containing organization of elections by an independent body, observers at elections and an effective system of appeal . Based on the principles mentioned and the absolutely necessary conditions for implementing these principles, the Commission made the following very bold conclusion: "... Electoral System. Within the respect of the above mentioned principles, any electoral system may be chosen.

9. It is very clear that elections and the functions performed thereby are vital and hence require systemizing and institutionalizing. This is achieved through the electoral system. The electoral system thus consists of the legal rules, techniques and framework whereby voters express their political will by casting votes for the purpose of constituting the representative government bodies in a state. Therefore a balanced election system which contains and implements the principles of universal, equal and direct suffrage with secret voting is a mandatory technique of establishing and maintaining a democratic state. The electoral system is thus a critical factor in that it puts into motion the principles of Election Law as a branch of the effective objective law of the state.

In applying any type of electoral system to a state, the following factors have to be analysed and answered: I. The legal and technological aspect: Finding the formula and legal techniques which will ensure those who are governed are best represented in the public authority institutions, in the process assimilating them into “ those who govern”. The question would therefore be how to achieve proportionality of the votes cast and the mandates they are converted into having at the same time a stable government? II. The political aspect: How to have the election system reflect accurately the separate exercise of power in the state and promote citizen’s interest at the same time?

The heart of democracy in a state depends on the implementation of an electoral system because the will of the sovereign people designates through election of legitimate representatives who in turn are responsible before the people and supervise the Executive and the Judiciary and are responsible before the electorate in periodical and definitive elections.

### Types of Electoral Systems

Electoral systems are by no means uniform and identical and the selection of one type or a combination of electoral system depends on a number of important variables. The legal theory<sup>10</sup> ascertains that the general indicators of the election system are in two categories; the first category includes those factors which concern the election organization, implementation and procedures of the elections; these include the constituencies, the qualification of candidates and methods of voting.

The second category provides for the rules related to the counting of the votes and the distribution of mandates that is, the valuation of given votes.

When considering the different electoral systems practiced in different countries, this paper will mainly concentrate on the second category (on the distribution of mandates) because this the defining factor of the electoral system and according to Professor Drumeva, it runs in two stages: The first stage is the distribution of mandates between the constituencies that is implemented before the voting, in most cases, is a subject of legislation.

The second stage is the distribution of mandates between the participating political parties/ and independent candidates if it is foreseen, the second stage is the decisive one. 11 Electoral systems are broadly grouped into major categories with their own variations: the plurality system, the majority system and the proportional representation system.

#### Plurality System

Also known as the first-past-the-post or winner-takes-all system originated in Medieval England and has a centuries old history. This system is based on territorially demarcated single member constituencies, with the candidate or party getting the greater number of votes winning in only one round even if the proportion of votes does not constitute a majority. 12The electoral system currently used in Zambia is modeled on the plurality system. Articles 63(2)<sup>13</sup> and 77(1)<sup>14</sup> of the Constitution of Zambia<sup>15</sup>confirm that the Parliamentary elections and based on direct adult franchise, first past the post constituency elections.

The President of Zambia is equally elected by plurality through universal adult suffrage as provided for under Article 34(8)<sup>16</sup> of the Constitution. The major advantage of the plurality system is that of personal choice. This seems to be so because votes cast for individual candidates or personalities.

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A notable relationship between electors and the elected is since established. Another positive for the first-past-the-post system is that it is very simple and easy to understand. In a first past the post system, elections turn into a decision of who will be the ruling party and who will be in opposition.

In addition, the plurality system is considered to be less costly than other more complex systems. The first past the post formula which is practiced in Zambia, as a decisive principle of the plurality system has a concentrating and integrating on the electorate and the society in general. This effect is regarded as both a big plus and big minus. Proponents of the plurality system, point out that it ensures a working parliament and a stable, in most cases, single party government. While this may seem to be convenient, the advantages of the plurality system are offset by the most important disadvantage which critics call non-representativeness. This is because all votes cast for the losing candidate are lost and remain unrepresented.

Murithi cites the system as constituting both a structural inadequacy and an obstacle to democracy in Africa's highly ethnicised politics as the votes cast for losers are considered wasted in the sense that they do not serve as effective instruments for expressing voters' will. <sup>17</sup> This assertion holds true for Zambia, where there are ten provinces and seven major tribes among over seventy ethnicities countrywide. Besa<sup>18</sup> seems to allude to this assertion and criticizes the first past the post system as a means of electing a president by advancing the argument that in the Zambian scenario where Bemba speaking people account for over 45% of the population, he observed that if the plurality system is maintained, in the near future, all presidents in Zambia will be elected from that particular region. This will undoubtedly lead

to tribal tension as the other ethnicities will feel left-out of the country's leadership.

Furthermore, opponents of the first-past-the post system regard the so called integrating effect of the system as a defect which encourages extremities in the electorate's behavior, either through voter apathy and political interference or violent contests with unforeseeable results. Critics of this system<sup>19</sup> have proposed supplementary votes and proportional representation to be adopted in Zambia as a means of enhancing democracy by the increasing the participation of smaller parties in the legislature.

### The Majority System

The majority system is a modification of the plurality system that ensures that a candidate only wins if he or she receives an absolute majority of the votes cast in the election that is one more than fifty percent of the votes cast. <sup>20</sup> There are two variations of the majority system, namely the supplementary voting and the re-run system. In the re-run system, if none of the candidates contesting the initial votes attains more than 50% of the votes cast, the electorate are given an opportunity to choose between the top two candidates through a second round of voting known as the ' re-run'.

Where a candidate manages 50 % plus one vote or more in the first round, a second round of voting will not be required. The supplementary voting system is much similar to a re-run because it also operates on the basis of elimination. <sup>21</sup> In this scenario, the top two contenders would share the second preferences of the remaining candidates. The candidate that emerges with most votes after the allocation of preference votes have been allocated is declared the winner.



Examples of countries which use the majority system in presidential elections are France, Liberia and Zimbabwe. In the last election held in France, in February 2012, a total of ten presidential candidates contested the first round of polling with none of them reaching the 50% plus one required to claim an outright victory, the top two contenders, namely Francois Hollande and the incumbent Nicolas Sarkozy contested the re-run. Hollande managed to garner 51, 62% of the second round vote compared to Nicolas Sarkozy's 48, 38% to be declared President of France.

The undeniable advantage of the majority system, is that unlike the plural system, it places power on a candidate who can garner support from the majority and not one elected on ethnic lines. This system effectively eliminates questions of legitimacy which is a major criticism of the plurality system. Proponents of the system like Besa, contend that the majority system operates in accordance with the tenets of democracy, where the majority rules.

#### Proportional Representation System

Its name is derived from the word proportion, which refers to the correlation between two values. This system treats the entire state as one constituency or provides for multimember constituencies. The purpose of this system is to ensure that all political parties are guaranteed a place in the legislatures. The system attempts to relate the allocation of seats as closely as possible to the distribution of votes. Under the proportional representation system, there are two variables namely the single transferrable vote and the party list system. The single transferrable vote emphasizes the personal rather than the territorial principle and provides for a candidate to obtain a quota of

votes which is approximately the number of votes equal to the total votes cast divided by the number of seats to be filled.

This system is applied in the United States of America for the Presidential election where a winning candidate is supposed to garner a certain number of electoral college votes to be declared the winner. With the party list system, it is practically impossible for one political party to dominate the legislature because even the smaller parties participating in elections are allowed, through their representatives in the legislature to express their views. In addition, proportional representation is economical in that, in the case of an early vacating of mandate, the seat is taken by the next candidate on the list. In an event that the candidate list is exhausted, the seat remains vacant until the next general election. In this way, no efforts or expenses are incurred to conduct by-elections as is the case with a plurality system.

However, the proportional representation system under the party list system does not concern itself with majority rule but only concerns itself with issues of participation of political parties in the process of governance, thus its widespread use in countries with two legislative chambers like the United States of America and its limited use in countries with a single legislative chamber. Besa observes that the party list system is not ideal for elections to the legislature of a country with a single chamber, but rather, proposes the establishment of a second chamber in the legislature for the system to be implemented in Zambia.

We can therefore conclude that there is no electoral system which is totally good from every angle. Each system has its own advantages and drawbacks,

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which vary in magnitude on what function fulfilled by the electoral system is put to the fore. Some writers have propagated the use of a combination of electoral systems so as to advance democracy. Mulenga Besa, in his book, *Constitution, Governance and Democracy* suggests that for democracy to thrive in Zambia, a combination of the fifty percent plus one majority and the proportional representation system under the party list formula should be employed.

For this to work he suggests a Fifty percent plus one system to elect the president and proportional representation to be used to elect members of the Legislature in a two chamber system. The discussion presented in this assignment made no pretence of comprehensiveness and the suppositions that that re affirm the idea that substantial democracy demands more than just the conducting of elections without choice or caricature of elections.

For democracy to flourish, it requires the careful selection of the fairest and most efficient electoral system which should mainly ensure the systematic and regular conduct of elections, the non-discriminatory allocation of votes and broadest possible representation of all political parties. It also requires the sustainability of de-ethnicised political parties which are diligently involved in mobilizing popular support thereby linking the demands of all citizens in forming either a reasonably institutionalized government or convincingly effective opposition.