

AN OVERVIEW OF THE MACEDONIAN ELECTORAL SYSTEM: AN EXAMPLE OF INCLUSIVE VOTING, OR GERRYMANDERING?

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Abstract

Since 2002, Macedonian MPs have been elected according to the proportional system, using the D'Hondt formula, and the country is divided into six electoral districts. In each of the districts, 20 MPs are elected. This electoral system was introduced following the Ohrid Framework Agreement, which ended the 2001 Insurgency in the country, due to the inclusive politics promoted by the mentioned agreement. 22 years later, the same electoral system is used, but it shows many weaknesses and is often criticized. One of the most important characteristics of this system is that the sixth electoral district, mostly populated by the Albanian minority, has a significantly smaller voter turnout percentage than the other electoral districts. Is this situation acceptable? Is this an example of positive inclusive measure, or is it an example of electoral engineering? Does the “Gerrymandering” exist in the Macedonian parliamentary electoral system? Should the electoral system be reformed, and which solution is the best for this country, with the heterogenic ethnic structure of its population in mind? In this paper, I will analyze the Macedonian electoral system, used for the parliamentary elections. I will try to answer the questions set before and locate the strengths and weaknesses of the Macedonian electoral system. I will also try to express my view on the current electoral system in the country, and my view on the reforms needed in the electoral laws.

Keywords: Macedonian electoral system, Macedonian Parliament, Gerrymandering, Electoral districts

INTRODUCTION

The end of the 20th century in Europe was marked by the fall of communism. Socialist Yugoslavia was one of the countries that collapsed during this period. It was dissolved, and the countries that comprised Yugoslavia gained independence. One of these countries was Macedonia. One of the consequences of these changes was the need to organize free democratic elections. The first democratic elections in Macedonia were organized in 1990, one year before the referendum for independence. These elections were organized according to the rules of the majoritarian system. In 1991, Macedonia declared independence, becoming a semi-parliamentary democratic republic. In practice, the Macedonian political system is more similar to the classic parliamentary system, than to the presidential one. This means that the most important elections in the country are the parliamentary elections, as the Parliament elects the Government, which is the highest executive power. However, an electoral reform

was not introduced promptly after the independence. The parliamentary elections in 1994 were organized according to the same electoral system from 1990. The first reform was brought for the parliamentary elections in 1998 when a combined system was used. But the 2001 Insurgency in the country, and the Ohrid Framework Agreement which ended it, brought a need for new reform of the electoral system. According to these reforms, a proportional representation (PR) system was introduced, and the country was divided into six electoral districts, each of which elects 20 MPs. This system is still in use, despite being often criticized for its disproportionality. I will analyze the system in detail and I will try to explain why it has many weaknesses and new reforms are needed. First, in the following chapter, I will define the term “gerrymandering”, and after that, I will try to answer the question about its existence in the Macedonian electoral system.

DEFINING OF THE TERM “GERRYMANDERING”

The process of forming electoral districts is one of the most important aspects of every electoral system. The size and magnitude of the districts can significantly affect the electoral results. In order to have fair elections that will reflect the will of the electorate, serious attention should be paid when creating the electoral districts. Otherwise, a serious lack of proportionality can occur. However, sometimes, the creators of the districts can misuse their power and intentionally create a disputable division of the territory into electoral districts, wanting to achieve more favorable electoral results for their political party. This phenomenon is related to the term gerrymandering. The first well-known attempt to favor a political party with the size of electoral districts is noticed in the early 19th century in Massachusetts, US. In 1812, the governor of Massachusetts, Elbridge Gerry, and his administration enacted a law that changed the district map of the state. The new borders of the electoral districts were drawn in a way that favored Gerry’s political party, the Democratic-Republicans. The outline of one of the new districts resembled a medieval salamander. Because of this, the mentioned tactic of creating electoral districts that would unfairly favor one political party was called gerrymandering, a word composed of the last name of the governor, Gerry, and the word salamander (Siciliano 2024, 1). This type of gerrymandering, when the electoral map favors a certain political party or coalition, is called partisan gerrymandering. However, the electoral map may also dilute the voting power of minority groups or favor certain ethnic groups, giving them an unfair representation. In this case, we are speaking about racial gerrymandering (Britannica 2024). In theory, there are also other types of gerrymandering, divided according to certain criteria (i.e., by the voters' composition, form of the districts, purpose, etc.). According to the voters’ composition as criteria, there are two types of gerrymandering – “the concentration-of-them gerrymander” when the strength of a political party or an ethnic group is consolidated in a district, with an intention to minimize representation of opposition voters, and “the concentration-of-us gerrymander,” when the governing party, with the intention to weaken the opposite party, concentrates its supporters in the areas where the opposition party is usually stronger. A sub-type of concentration gerrymander is the “affirmative action gerrymander,” when a minority group is concentrated in the electoral district in a way that gives them and their representatives a more favorable position in the elections (Hardy 1990, 12). It is considered that gerrymandering is more common for the majoritarian electoral systems. However, there is also a small possibility of using gerrymandering in the PR system (Treneska Deskoska et al. 2023, 403).

OVERVIEW OF THE MACEDONIAN ELECTORAL SYSTEM

The Macedonian constitutional system has established three types of elections: local, presidential, and parliamentary. The country is a semi-parliamentary democracy, but in fact, the Macedonian political system is much closer to being a purely parliamentary system. This means that the most important elections in the country are the parliamentary elections, the main reason for this being the fact that the majority in the Parliament elects the Government, which is the highest executive power in the country. In the presidential elections, the president of the country is elected, while in the local elections, the municipality mayors and municipality councils are elected. Speaking about the presidential elections, it is important to note that they are organized according to the rules of the majoritarian electoral system. The President of the country is elected for a term of 5 years. The elections are held in two rounds. In the first round, a candidate can win the elections if he/she wins the absolute majority of the total number of voters. Because this is hard to do, presidential elections usually go in a second round. The two candidates who have received the most votes in the first round continue in the second round. In the second round, the candidate who wins the majority of the votes wins if at least 40% of the total number of voters have voted in the elections. These rules are stipulated in Articles 80 and 81 of the Constitution (Constitution 1991). The municipality mayors are also elected according to the rules of the majoritarian system, in two rounds. In these elections, the condition for winning in the first round is much easier. The candidate who has won the absolute majority of the votes wins the election if at least one-third of the voters in the municipality have voted, as stipulated in Article 132 of the Electoral Code (Electoral Code 2024). The municipality counselors are elected according to the rules of the proportional representation system, with every municipality being a single electoral district. The mandates are distributed using the D'Hondt method, according to Article 130 of the Electoral Code. Every municipal council has a number of counselors, determined by the number of the population in the municipality, as stipulated in Article 34 of the Code for Local Self-government (Code for Local Self-government, 2002). As mentioned earlier, the parliamentary elections are the most important elections in the country, and I will analyze the electoral system used for the parliamentary elections in the following section.

Electoral system used for parliamentary elections

Before analyzing the current electoral system, it is important to note that from 1990, when the first free and democratic elections were held, two major electoral reforms were made. The first two parliamentary elections, in 1990 and 1994, were organized according to the rules of the majoritarian system. The country was divided into 120 electoral districts, and each of them elected one MP. In May 1998, the first electoral reform was brought. A new electoral code was passed, called “Law on the Election of Deputies in the Assembly of the Republic of Macedonia.” Article 2 of this Law established the combined system. In this article, it was stipulated that 85 of the MPs shall be elected according to the majoritarian system, each of them elected in a single electoral district, and the other 35 MPs shall be elected according to the rules of the PR system, with the whole country being single electoral district. The D'Hondt method for estimating the distribution of seats was used, and there was also a threshold of 5% (Law on the Election of Deputies in the Assembly of the Republic of Macedonia 1998). However, only one election was organized according to this system. The events from 2001 and the Ohrid Framework Agreement, which ended the 2001 Insurgency, caused a need for new electoral reform. In the Annex B of this Agreement, an obligation for electoral reform was stipulated. New laws on the election of deputies and on electoral districts were passed. In 2006, all the electoral laws were codified in a single act, the

Electoral Code. Nevertheless, the same rules when it comes to the parliamentary elections stayed in power, and the system from 2002 is still used. According to this system, the territory of the country is split into six electoral districts. The size of each of them is stipulated in Article 175 of the Electoral Code (Electoral Code 2024). In each of the electoral districts, 20 MPs are elected using the PR system. The allocation of the seats is estimated using the D'Hondt method. Article 4 (7) of the Electoral Code guarantees that all the electoral districts will have approximately equal number of voters. According to this article, the number of voters in a single electoral district may deviate by a maximum of minus 5% to plus 5% compared to the average number of voters in the electoral districts. However, the voter turnout is different in all the electoral districts. In practice, the sixth electoral district has always had a significantly lower turnout than the other electoral districts, which causes serious disproportionality. In the following section, I will analyze this disproportionality by analyzing the numbers of all parliamentary elections organized according to this system.

An analysis of the voter turnout in every parliamentary election since 2002

As it was mentioned before, the sixth electoral district, as the following numbers will show, has had significantly lower voter turnout in every parliamentary election. This district is composed of the following municipalities: Tetovo, Gostivar, Tearce, Brvenica, Bogovinje, Vrapchishte, Zhelino, Jegunovce, and partially Kichevo. The vast majority of the voters in this district are part of the Albanian minority in the country, and the Albanian minority political parties always dominate in this electoral district. The following table shows the total number of voters for each electoral district in all elections since 2002.

Table 1: Total number of voters by electoral districts for all parliamentary elections since 2002

Electoral district	2002 Elections	2006 Elections	2008 Elections	2011 Elections	2014 Elections	2016 Elections	2020 Elections	2024 Elections
1	279594	290584	295917	302864	297686	295858	309210	313183
2	279717	295523	303120	312720	306067	306471	319820	321087
3	277236	285166	288585	291140	280890	280727	278511	275034
4	277126	/	289664	292596	280810	282537	282506	278721
5	272842	284894	290101	303686	286435	290433	314489	310216
6	277782	299534	311729	318116	304458	307817	309727	317109

From this table, we can notice the total number of voters for the elections from the years 2002 (State Electoral Commission 2002), 2006 (State Electoral Commission 2006), 2011 (State Electoral Commission 2011), 2014 (State Electoral Commission 2014), 2016 (State Electoral Commission 2016), 2020 (Treneska et al. 2024, 46-48) and 2024 (Treneska et al. 2024, 107-108). The data presented in the table shows that there are no significant differences in the total number of voters between the electoral districts. However, we can notice that electoral districts 3 and 4 have a lower number of total voters than other districts. This can cause disproportionality. But, as we can see from the following tables, these districts have high voter turnout in every election, which lowers the chance of disproportionality. The following tables will show the voter turnout in every electoral district for each of the mentioned elections. In the first table, the turnout will be presented in numbers, and in the second table, it will be presented in percentages.

Table 2: Voter turnout for all parliamentary elections since 2002, shown in numbers of voters who have voted

Electoral district	2002 Elections	2006 Elections	2008 Elections	2011 Elections	2014 Elections	2016 Elections	2020 Elections	2024 Elections
1	210776	162199	178468	204035	194164	217823	164287	194487
2	208821	152443	162810	187636	184176	203923	158804	176084
3	211066	176371	177308	209003	198863	204193	162648	165626
4	215057	/	182335	212233	205398	211897	171679	170382
5	190264	158118	160150	186015	175402	187824	160146	163763
6	182762	141587	153963	157127	151300	157960	126175	136103

Table 3: Voter turnout for all parliamentary elections since 2002, shown in percentages of voters who have voted

Electoral district	2002 Elections	2006 Elections	2008 Elections	2011 Elections	2014 Elections	2016 Elections	2020 Elections	2024 Elections
1	75,3%	55,82%	60,31%	67,37%	65,22%	73,62%	53,16%	62,10 %
2	74,6%	51,58%	53,71%	60%	60,18%	66,54%	49,65%	54,84 %
3	76,1%	61,85%	61,44%	71,79%	70,8%	72,74%	58,4%	60,22 %
4	77,6%	/	62,95%	72,53%	73,14%	75%	60,77%	61,13 %
5	69,7%	55,5%	55,2%	61,25%	61,24%	64,67%	50,92%	52,79 %
6	65,7%	47,27%	49,39%	49,39%	49,69%	51,32%	40,74%	42,92 %

As seen from the data in this table, the sixth electoral district has had significantly lower voter turnout in every parliamentary election since 2002, when this system was established. The difference between the voter turnout in the sixth electoral district and in the other electoral districts was not so large in the 2002 elections, but this difference became significantly larger in the following years. This district has both the lowest percentage of voter turnout and the lowest number of voters who have voted in all the elections. The data shown proves that there is a high disproportionality between the voter turnout in the sixth electoral district and in the other districts, as regardless of the number of voters, each of them elects 20 MPs. If we divide the number of voters who have voted in a single electoral district and the number of MPs elected in that district, we can see how many voters are approximately needed for a party to win a seat in the legislative body.¹ Using this formula, we get the following results for the last parliamentary elections. For the first electoral district, the result is 9724, for the second, 8804, for the third, 8281, for the fourth, 8519, for the fifth, 8188, and for the sixth, 6805. The previous elections, from 2020, were held during the COVID-19 pandemic and had the lowest voter turnout. But once again, the turnout was especially low in the sixth electoral district, while the highest turnout in this election was in the fourth electoral district. If we divide the numbers that have voted in these districts and the number of MPs elected, we get the following numbers: 8584 for the fourth electoral district and 6308 for the sixth electoral district. As it was mentioned earlier, the sixth electoral district has a vast majority of voters who are Albanians by ethnicity. Albanians are a significant part of the voters in the fifth electoral district, too, and this district usually also has relatively lower voter turnout compared to other districts. However, it also has a significantly larger voter turnout than the sixth electoral district. The reason for creating such a situation can be

¹ It is important to note that the D'Hondt method uses a different formula to transform the votes into seats, but this formula can confirm the assertion that there is a disproportionality between the sixth electoral district and the other districts.

found in the Ohrid Framework Agreement, as we have seen that it stipulated an obligation for electoral reform in order to achieve greater voting inclusivity for the Albanian minority. It is noticeable that the actual electoral map of the Macedonian territory creates the so-called “affirmative action gerrymander,” which means that there is disproportionality in the electoral districts, with the purpose of giving a minority group a favorable position. The goal of affirmative actions is to eliminate discrimination against minority groups, with the so-called methods of “positive discrimination”, with which the minority groups are favored, e.g. in the process of employment in the public administration. However, even supporters of affirmative actions claim that they should be used temporarily until a proper representation of the minority group that they favor is reached (Sowell 1990, 2). As is the case in the Macedonian state, this “affirmative action gerrymander” has existed since 2002, and it has given the Albanian minority a proper representation, but now causes serious disproportionality. This situation is unfair to the Macedonians, as a majority, and to the other ethnic minority groups. The MPs who belong to the ethnic minority groups also have a voting instrument called “double majority”, which prevents the majority from outvoting them. Namely, many laws passed by the Parliament, besides the regular majority of all the MPs, should also be passed by the majority of the MPs who represent the ethnic minorities in the country. Also, all the legislation that emerged from the Ohrid Framework Agreement was passed, and the basic demands of the ethnic minorities are already fulfilled. This electoral system gives unfair power to the so-called “Albanian minority parties”, who often spread hate speech and interethnic intolerance, and have radical and anti-state policies. Because of these reasons, a major electoral reform is needed, to improve the proportionality and the proper representativeness of the voters.

Reforms needed for the electoral system

The mentioned “affirmative action gerrymander” has been used in practice, but it should respect the principle of proportionality and ensure effective equality. Otherwise, especially if these actions are discriminatory, they are not justified. This is the opinion of the Council of Europe’s European Commission for Democracy through Law, known as the Venice Commission (Venice Commission 2017, 5). As we have seen, the current Macedonian electoral map produces high disproportionality, and electoral reforms are more than necessary. To eliminate this disproportionality while maintaining the PR system, there is a possibility for either reallocation of the number of seats between the districts or redrawing the boundaries of the districts before every election. Austria and Belgium are examples of countries that reallocate seats according to the results of the population census, and this method is more common for multi-member constituencies (Venice Commission 2017, 25). The United Kingdom and France, on the other hand, redraw the boundaries of the districts as a consequence of the demographic changes. The United Kingdom has its own Boundary Commission, whose main task is to ensure that there will be no large disproportionality between the districts (Venice Commission 2017, 25). Creating such an institution is a good idea for eliminating the problems regarding the Macedonian electoral map. Nevertheless, the problem is that the reason for the disproportionality is not the total number of voters but the lower voter turnout in the sixth electoral district. An assumption that the reason for this is the large immigration of the people who live in that part of the country can be made. However, probably the easiest way to solve this problem is to follow the example of Israel and merge all the electoral districts, turning the country into a single electoral district that will elect all 120 MPs. Israel’s legislative body, the Knesset, has literally the same number of MPs as the Macedonian Assembly and the elections for the Knesset are organized according to the rules of the PR system. The D’Hondt method is used to transfer

the votes into electoral seats, and the lists are closed, which means that the voters can only vote for a political party or coalition, and it is up to that party or coalition on which way will list its candidates (Rahat and Hazan 2004, 337-338). In Israel, there is an electoral threshold, which is not the case with the Macedonian electoral system. To enter the Knesset, a single political party or coalition's list, has to pass this threshold, which is currently 3.25% of the total number of votes (Israel Policy Forum 2019). This system can be used for the Macedonian elections, as it would eliminate all the problems regarding the boundaries of the electoral districts. Even without a threshold, entering the Macedonian Assembly is far from an easy task for the smaller parties. A study from 2020 shows that the outcome would be significantly different if the country were a single electoral district. In the 2020 elections, 4 seats went to one party/coalition and would have gone to another if the entire country were a single electoral district. The number of these seats is 6 for both the 2016 and 2014 elections and 9 for the 2011 elections (Dimitrievski 2020, 20). These numbers can be deciding in forming a governing majority, and the current system unfairly favors the larger parties, which is another problem of the current electoral system, and another reason for reforming the electoral map, used for parliamentary elections.

CONCLUSION

Gerrymandering is a method used for manipulating the electoral results and giving an unfair representation to certain political parties or ethnic groups, misusing the power to draw the boundaries of electoral districts. The gerrymandering is first noticed in the 19th century USA. It can be justified if it is used as an affirmative action, but it has to be used only temporarily and has to respect the principle of proportionality. The Macedonian electoral system has been several times since the transition from a communist to a democratic political system. The first two elections were organized using the majoritarian system, and the third elections were the only elections organized using the combined systems. In 2002, as a consequence of the Ohrid Framework Agreement, a new electoral system was introduced. This system is a PR system, and the country's territory is divided into six electoral districts, each of them electing 20 MPs. However, the sixth electoral district has significantly lower voter turnout than the other districts. The vast majority of the population who lives in this district is part of the Albanian ethnic minority in the country. Despite the idea that this system would promote better inclusiveness, it created large disproportionality, which is contrary to the recommendations of the Venice Commission. This system favors the so-called "minority parties of the Albanians", whose policies are often radical and anti-state. Another problem caused by the current electoral system is the unfair favoritism of the larger parties. Because of this, a reform of the electoral system, which would improve the proportionality and ensure effective equality of the voters is needed. To remove this disproportionality, a relocating of the seats between the districts, or redrawing the boundaries of the electoral districts, according to the demographic changes can be used. But, for a small country like the Macedonian state, a good idea would be to merge the electoral districts and allocate all 120 seats with the country being a single electoral district. This system is used in Israel, where all the 120 MPs in the Knesset are elected in a single electoral district, using the D'Hondt formula for allocation of the seats. Using this system in the country would improve the proportionality and the equality of the voters, no matter where in the country they live.

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