

# Complicated, but that's the way Germans like it

By Santha Oorjitham

**Germany's unique 'mixed' election process is a product of trying out various systems. Politicians and experts in Germany and Malaysia tell SANTHA OORJITHAM how the two countries' systems compare.**

Professor **Monika Grütters** of the dominant Christian Democratic Union lost on the “first vote” but made it back into the Bundestag on the “second vote” during Germany’s Federal elections recently.

Chambering lawyer Benedikt Lux of Alliance 90/The Greens failed in his bid to enter the lower house of parliament (after a term in the Bundesrat, the upper house comprising representatives from the 16 states) on either the first or second vote. Although his small party only won one seat in the Bundestag with the first vote, it ended up with 68 seats altogether after getting 10.7 per cent of the second vote.

Germany’s “personalised” election process, which combines both plurality (better known as first-past-the-post or FPTP) and proportional representation, is “a little complicated”, admits Grütters. “But there’s a reason for our system.”

And it may offer some ideas for electoral reform here.

“The discussion in Parliament has been going on for years, on whether to have FPTP or proportional representation — from when I was a political secretary to Tun Hussein Onn 30 years ago,” recalls Johor Baru MP Datuk Shahrir Abdul Samad. “But a combination of both has not been discussed.”

Calls for changes to Malaysia’s Elections Act 1958 and Election Offences Act 1954, which picked up before last year’s general election, have since died down.

But academics and some politicians still argue that there are lessons to be learned from the German model, adopted after trying first the proportional and then the FPTP system.

German voters now get two ballots — the first for a candidate and the second for a party.

Roughly half of the MPs are voted in directly on the former, while the parties divide up the remainder on the basis of their percentage of the second vote (as long as they obtain at least five per cent of the votes).

“Many of our voters split their vote because they like one candidate but want to vote for another party,” says Grütters.

The Greens, formed in 1990, would have had little presence in Parliament if all the seats were FPTP.

“The second vote is more important for a small party like ours, so I told voters that if they give only one vote for us, to make it their second vote,” explains Lux.

Before the elections, German parties publish a list of candidates for the second vote. Like Lux, they can both stand for the first vote and be on the list for the second.

That list “may include experts who are not well known but very knowledgeable — economists, political scientists, judges and administrators,” says Dr Pimrapa Dusadeeisariyakul, the Bangkok-based manager for Friedrich Naumann Foundation’s Malaysian programmes. (The foundation is associated with Germany’s liberal Free Democratic Party).

When Thailand amended its election laws in 2007, it followed the German system, says the political scientist, and its party lists “include many professionals who would not have won parliamentary seats if their fate solely depended on winning their constituency”.

But more importantly, argue small parties, such a system better reflects their percentage of the vote.

In 2004, Barisan Nasional won 63.85 per cent of the popular vote but got 90.87 of the seats in Parliament. Last year, it got 51.5 per cent of the votes and 63.06 per cent of the seats. “It’s always the opposition calling for proportional representation because they feel the number of seats doesn’t represent their proportion of the votes,” says former minister Shahrir.

But he supports FPTP because “you end up with a strong ruling party in the government, compared to countries with proportional representation, which need coalition governments and marriages of convenience”.

Besides, he notes, Pakatan Rakyat became the ruling coalition in five states during the 2008 polls, “so it can achieve some success at the state level through the present system, with FPTP”.

And although urban constituencies have a larger number of voters, they do not suffer from neglect, he stresses: “For example, I have 100,000 voters in Johor Baru and equal access to government funds compared with a colleague who has half that many, but I can’t complain.”

German experts also claim that since their system prevents “wasted votes”, there is less marginalisation of smaller parties. “As there is now the need for coalition governments at all times, parties representing minority interests can now become part of the government,” explains Frederik Holst, a political scientist at Humboldt University in Berlin.

“At the same time, they have to make themselves appealing beyond their special interest group so that they will be chosen as a coalition partner.” Reformers could also consider some time- and money-saving features of the German system. Every German is automatically registered as a voter when he or she turns 18.

“They are notified when they are on the electoral list,” says Andreas Schmidt von Puskàs, election returning officer for Berlin. And if an elected representative dies, refuses to accept election or vacates his seat, by-elections are only held if there is no successor from the party list, he explains.

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