



# It's The Election System, Stupid

The Misleading Hamas Majority and the System that Created It



In the Palestinian legislative elections on January 25, 2006, Change and Reform ( Hamas ) took power away from the governing Fatah movement by winning 75 of 132 seats. Although some commentators have declared this a sweeping mandate for Hamas and begun to speculate on what this power shift means for Israeli-Palestinian relations, the election results in fact are not an accurate reflection of popular opinion. Instead, the election system itself is at least as important as popular opinion in determining the makeup of the legislature.

Of the country's 132 parliamentary seats, 66 are elected in a proportional, national party list system and 66 are elected in nine districts on an at-large plurality basis (with districts having between 1 and 9 seats, and voters having the power to cast as many votes as seats in a districts). While the national list seat distribution of seats provides a reasonable reflection of the national list voters, the district seat distribution is strongly skewed in favor of Hamas. Although vote totals from all districts show Hamas with only slightly more support than Fatah, the nature of a winner-take-all system combined with spoiler dynamics in certain districts allowed Hamas to win a far greater share of seats than votes in the legislature. Whether through superior campaign strategy, luck or a combination thereof, the winner-take-all district system clearly allowed Hamas to win a large majority of seats with only a narrow plurality of votes.

## **Over-representation of Hamas in District Seats**

Hamas received 45% of the national list vote compared to 42% for Fatah. Seats allocated to each party closely reflect this proportion, with Hamas winning 30 of 66 national list seats (46%) and Fatah winning 27 seats (41%).<sup>1</sup>

Vote totals for district seats show similar levels of support for each party but drastically different results in the number of seats won by each party. Hamas received 41% of the district seat vote for all districts, while Fatah received 36%. However, Hamas won 45 of 66 district seats (68%) compared with 17 (26%) for Fatah. Thus, Hamas is over-represented in district seat allocation by 27% (18 seats) while Fatah is under-represented by 10% (7 seats).

Even with the mitigating effect of the national list seats, Hamas is still significantly over-represented in the full legislature, while Fatah is slightly under-represented. Hamas holds 75 of 132 seats (57%) despite the support of 41-45% of the electorate. Fatah hold 44 seats (33%) despite 36-41% support.

The skewed representation created by the districts can be demonstrated by projecting the partisan makeup of the full legislature using only the national list system, only the district system, or using a mixed system but allocating the district and national seats proportionally. If the 46% of seats for Hamas and the 42% of seats for Fatah in the national list voting had been used to allocate all 132 seats, the final result would have been 59-55 in favor of Hamas (with 18 seats going to minor parties and independents, thereby requiring Hamas to reach beyond its base to seek to govern effectively). If the 68% of seats for Hamas and the 26% of seats for Fatah in the district voting had been used to allocate all 132 seats, the final result

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<sup>1</sup> The small discrepancies between percentage of votes and percentage of seats are due to a small number of votes going to minor parties not reaching the threshold for winning national list seats.

would have been 90-34 in favor of Hamas (with 8 seats going to minor parties and independents). Under a mixed system in which both the national list and the district seats were allocated proportionally based on the party vote, Hamas would have edged Fatah approximately 26-25 in the district seats (with 15 seats going to minor parties and independents). Combined with the actual national list results, the final total would have been 56-52 in favor of Hamas (with 24 seats going to minor parties and independents).

**Table 1. Party seat projections using district and proportional systems**

	[District Seat Result]* (Percentage)**	[National List Result]* (Percentage)**	[Total]* (Percentage)**
Actual Results	[45-17-4] (68-26-6)	[30-27-9] (46-41-14)	[75-44-13] (57-33-10)
National List Only Projection	-----	[59-55-18] (45-42-14)	[59-55-18] (45-42-14)
District Only – At-Large Projection	[90-34-8] (68-26-6)	-----	[90-34-8] (68-26-6)
District Only – Proportional Representation Projection	[52-50-30] (39-38-23)	-----	[52-50-30] (39-38-23)

\*[Hamas-Fatah-minor parties and independents]

\*\*Percentages may not equal 100% due to rounding

## The spoiler effect in operation

Spoilers delivered seats to Hamas and denied them to Fatah in at least two winner-take-all districts. This analysis looks only at the major party vote; that is, how Fatah and Hamas polled. It then contrasts this with the number of seats won by either party. Our analysis shows that Hamas was more organized in “gaming” the winner-take-all system than Fatah.

The analysis does not consider the potential spoiler candidacies of numerous independents and smaller parties. What we observe in the two-party analysis may have occurred to a greater extent. Determining that extent would require, first, a binary categorization of all parties and candidates (i.e. moderate/militant, pro/anti-accommodation, secular/fundamentalist) and, second, contrasting the relative vote totals for either side against the number of seats it won. That is, if moderate parties won a plurality of votes, but militant parties won a majority of seats, the spoiler effect is in operation.

Two results stand out as glaring spoiler cases, with Hamas winning at least half of seats without even obtaining a plurality of votes. In Tulkarem, Hamas ran two candidates and won two of three seats with 27.4% of the total vote. Fatah ran three and won no seats, despite winning a total of 34.4%, more than any other party. In Bethlehem, Hamas ran two candidates and won two seats with 20.5% support. Fatah won only two seats with 28% because it ran four candidates.

Three other likely spoiler cases show evidence of over-nomination by Fatah in winner-take-all plurality seats. In these elections, Fatah won significant percentages of the vote, but these votes were divided among more candidates than votes for Hamas were.

- In Nablus, Hamas ran five candidates, and Fatah ran six. Hamas won five of six seats with 38.2%. Fatah won only one, despite polling 36.5% - only 2% less than the opponent.
- The outcome in Ramallah was similar. Hamas ran four candidates where Fatah ran five. Hamas polled 38.4%, and Fatah polled 32.6%. Yet Hamas won four of five seats, and Fatah won only one
- In Gaza, Hamas won five of eight seats with 37.3%. Fatah won no seats despite polling 31.7%. Hamas ran five candidates where Fatah ran eight.
- Third-party spoilers may have been in operation in Hebron and North Gaza. In these districts, both parties ran the same number of candidates, but Hamas swept all the seats. In Hebron, both parties nine candidates for nine contested seats. Hamas had 51.1% of the vote, and Fatah had 35%. In North Gaza, Hamas swept five of five seats with 46.7% to Fatah's 35.9%. These two elections were heavily contested – by six parties in Hebron, four in North Gaza.

## Conclusions

The effect of the election system on election results cannot be underestimated. For example, the system used in Iraq for the second parliamentary elections was modified to produce a more representative result. The 2005 parliamentary elections in Japan also demonstrate the skewed representation that can result from a non-proportional district system. For detailed analyses of both of these elections, visit [www.fairvote.org/global](http://www.fairvote.org/global) or [www.fairvote.org/pr](http://www.fairvote.org/pr).

As the transfer of power takes place in Palestine, policy makers should approach Palestinian relations with an accurate understanding of the support for the new government. While Hamas was indeed the most strongly supported party in the recent election, its victory was nowhere near as sweeping as its legislative majority suggests. Hamas' plurality in the legislature may be a mandate from voters, but its majority is a mandate from only the election system itself.

*For more information, please contact FairVote's Program for Representative Government.*

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District	Total Votes	Total Seats	C&R* #	C&R* %	C&R* Seats	C&R* % Seats	Fatah #	Fatah %	Fatah Seats	Fatah % Seats
Jerusalem**	172347	6	58144	0.337	4	0.667	45475	0.264	2	0.333
Jenin	276690	4	101965	0.369	2	0.500	106398	0.385	2	0.500
Tulkarem	148362	3	40679	0.274	2	0.667	50979	0.344	0	0.000
Tubas	16704	1	5784	0.346	1	1.000	5146	0.308	0	0.000
Nablus	533568	6	203785	0.382	5	0.833	194937	0.365	1	0.167
Qalqilya	49870	2	17462	0.350	0	0.000	26949	0.540	2	1.000
Salfit	21066	1	6762	0.321	1	1.000	5632	0.267	0	0.000
Ramallah**	350864	5	134858	0.384	4	0.800	114330	0.326	1	0.200
Jericho	11793	1	3411	0.289	0	0.000	6717	0.570	1	1.000
Bethlehem**	161580	4	33137	0.205	2	0.500	45247	0.280	2	0.500
Hebron	940252	9	480087	0.511	9	1.000	329032	0.350	0	0.000
North Gaza	363832	5	170021	0.467	5	1.000	130456	0.359	0	0.000
Gaza**	977959	8	364529	0.373	5	0.625	309970	0.317	0	0.000
Deir al-Balah	174288	3	79594	0.457	2	0.667	71375	0.410	1	0.333
Khan Younis	381466	5	170014	0.446	3	0.600	158423	0.415	2	0.400
Rafah	153247	3	61936	0.404	0	0.000	83375	0.544	3	1.000
<b>District Totals</b>	<b>4733888</b>	<b>66</b>	<b>1932168</b>	<b>0.408</b>	<b>45</b>	<b>0.682</b>	<b>1684441</b>	<b>0.356</b>	<b>17</b>	<b>0.258</b>
<b>National List</b>	<b>958792</b>	<b>66</b>	<b>434817</b>	<b>0.454</b>	<b>30</b>	<b>0.455</b>	<b>403458</b>	<b>0.421</b>	<b>27</b>	<b>0.409</b>
<b>Overall Totals</b>		<b>132</b>			<b>75</b>	<b>0.568</b>			<b>44</b>	<b>0.333</b>
*C&R=Change and Reform(Hamas)										
**Christian quota seats do not affect party results										

District	C&R*		Fatah		Other**	
	Proportional Seats	% Total	Proportional Seats	% Total	Proportional Seats	% Total
Jerusalem	2		2		2	
Jenin	1		2		1	
Tulkarem	1		1		1	
Tubas	1		0		0	
Nablus	2		2		2	
Qalqilya	1		1		0	
Salfit	1		0		0	
Ramallah	2		2		1	
Jericho	0		1		0	
Bethlehem	1		1		2	
Hebron	5		3		1	
North Gaza	2		2		1	
Gaza	3		3		2	
Deir al-Balah	1		1		1	
Khan Younis	2		2		1	
Rafah	1		2		0	
<b>District Totals</b>	26	0.394	25	0.379	15	0.227
<b>National List</b>	30	0.454	27	0.421	9	0.136
<b>Overall Totals</b>	56	0.424	52	0.394	24	0.182
*C&R=Change and Reform(Hamas)						
**Minor parties and independents						