



## International Snapshot: Palestine Legislative Election, January 2006

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### Introduction

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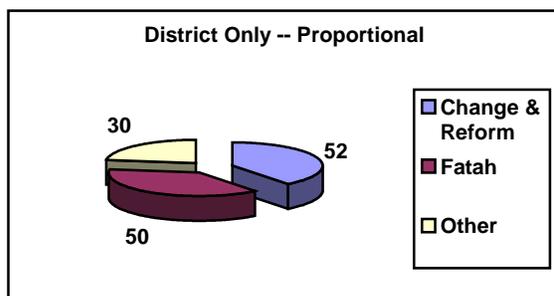
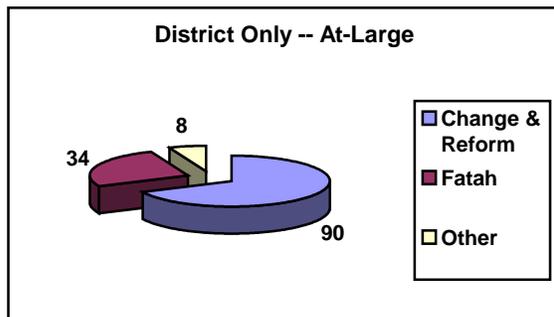
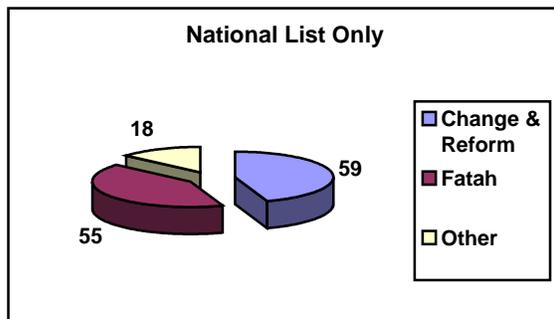
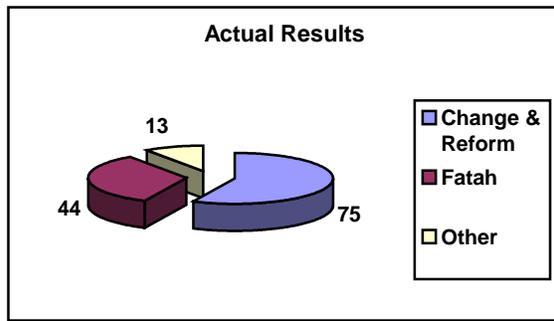
Palestine held elections to its Legislative Council on January 25, 2006. In that vote, Change and Reform ( Hamas ) took power away from the governing Fatah movement, winning 75 of 132 seats. Some commentators declared this a sweeping mandate for Hamas, speculating especially on what the power shift means for Israeli-Palestinian relations, but the election results 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 Council.

### *Electoral system basics*

Palestine uses a parallel system. Of the country's 132 parliamentary seats, 66 are elected under a proportional system from national party lists, and 66 are elected in nine multi-member districts on an at-large plurality basis. Each district elects between one and nine seats, and voters may cast as many votes as there are seats.

### *Findings*

While the partisan distribution of list seats closely reflects the partisan distribution list votes, 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 winner-take-all electoral system combined with spoiler dynamics in certain districts to deliver Hamas a share of seats significantly out of proportion with its share of votes. Whether through superior campaign strategy, luck or a combination thereof, the winner-take-all district system 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 contrasted with 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 each won. 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. Hamas is therefore 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 holds 44 seats (33%) despite 36-41% support.

<sup>1</sup> Source: Palestine Central Elections Commission, <http://www.elections.ps>.

Note: 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.

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## **Skewed representation and counterfactuals**

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The districts' effect on results' proportionality is demonstrable through three counterfactual scenarios. We project the partisan makeup of the full Legislative Council had Palestine elected *all* seats:

1. proportionally from national party lists;
2. in winner-take-all, multi-member districts;
3. proportionally from district lists.

### ***Scenario 1: Proportional voting by national party list***

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. 18 seats would have gone to minor parties and independents, thereby requiring Hamas to reach beyond its base to form a governing coalition.

### ***Scenario 2: Winner-take-all voting in multi-member districts***

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 would have been 90-34 in favor of Hamas. Eight seats would have gone to minor parties and independents. Regardless of its proportion of the total vote, winner-take-all benefited Hamas in the January election.

### ***Scenario 3: Proportional voting by district party list***

Under proportional system in which district seats were allocated according to votes for a district party list, Hamas would have edged Fatah approximately 52-50 seats with 30 seats going to minor parties and independents). As under the first scenario, Hamas would have had to seek other coalition partners.

## **The spoiler effect in operation**

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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,

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pro/anti-accommodation, secular/fundamentalist) and, second, contrasting the relative vote totals for either side with the number of seats it won. That is, if moderate parties taken together won a plurality of votes, but militant parties won a majority of seats, the spoiler effect is in operation.

### ***Glaring cases***

Two results stand out as glaring spoiler cases, with Hamas winning at least half of seats without even obtaining a plurality of votes:

- **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.
- **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.

### ***Probable cases***

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.

- **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.
- **Ramallah:** 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
- **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.

### ***Potential non-major party spoiler cases***

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 nearly all the seats.

- **Hebron:** Both parties ran nine candidates for nine contested seats. Hamas had 51.1% of the vote, and Fatah had 35%. Hamas won every seat. Six parties contested this race.
- **North Gaza:** Hamas swept five of five seats with 46.7% to Fatah's 35.9%. Four parties contested this race.

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## Conclusion

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The effect of an election system on election results cannot be underestimated. Fully aware, policymakers frequently modify their countries' election systems. For example, the system Iraq used for its second parliamentary elections was modified to produce a more representative result. In the January 2005 round, members were elected under proportional voting by national party list. Because Iraq's three main ethnic groups are geographically concentrated and of different sizes, the January 2006 round used proportional voting by district lists, with 45 national list seats reserved for parties that could not win in any one district.<sup>2</sup> The 2005 parliamentary elections in Japan also demonstrate the skewed representation that can result from a winner-take-all district system. Similar to Palestine, Japan used a combination national list-plurality district system.<sup>3</sup>

As the transfer of power takes place in Palestine, policy makers should approach Palestinian relations with an accurate understanding of public 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 the election system only.

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<sup>2</sup> FairVote, "How Can We Achieve Fair Representation in Iraq?," January 2006, <http://fairvote.org/?page=513>.

<sup>3</sup> FairVote, "Japanese Parliamentary Elections 2005," September 2005, <http://fairvote.org/?page=1596>.

Appendix A. Vote and Seat Totals By District

District	Total Votes	Total Seats	C&R* Votes	C&R* % Votes	C&R* Seats	C&R* % Seats	Fatah Votes	Fatah % Votes	Fatah Seats	Fatah % Seats
Jerusalem**	172347	6	58144	33.74%	4	66.67%	45475	26.39%	2	33.33%
Jenin	276690	4	101965	36.85%	2	50.00%	106398	38.45%	2	50.00%
Tulkarem	148362	3	40679	27.42%	2	66.67%	50979	34.36%	0	0.00%
Tubas	16704	1	5784	34.63%	1	100.00%	5146	30.81%	0	0.00%
Nabliis	533568	6	203785	38.19%	5	83.33%	194937	36.53%	1	16.67%
Qalqiya	49870	2	17462	35.02%	0	0.00%	26949	54.04%	2	100.00%
Salfit	21066	1	6762	32.10%	1	100.00%	5632	26.74%	0	0.00%
Ramallah**	350864	5	134858	38.44%	4	80.00%	114330	32.59%	1	20.00%
Jericho	11793	1	3411	28.92%	0	0.00%	6717	56.96%	1	100.00%
Bethlehem**	161580	4	33137	20.51%	2	50.00%	45247	28.00%	2	50.00%
Hebron	940252	9	480087	51.06%	9	100.00%	329032	34.99%	0	0.00%
North Gaza	363832	5	170021	46.73%	5	100.00%	130456	35.86%	0	0.00%
Gaza**	977959	8	364529	37.27%	5	62.50%	309970	31.70%	0	0.00%
Deir al-Balah	174288	3	79594	45.67%	2	66.67%	71375	40.95%	1	33.33%
Khan Younis	381466	5	170014	44.57%	3	60.00%	158423	41.53%	2	40.00%
Rafah	153247	3	61936	40.42%	0	0.00%	83375	54.41%	3	100.00%
<b>District Totals</b>	<b>4733888</b>	<b>66</b>	<b>1932168</b>	<b>40.82%</b>	<b>45</b>	<b>68.18%</b>	<b>1684441</b>	<b>35.58%</b>	<b>17</b>	<b>25.76%</b>
<b>National List</b>	<b>958792</b>	<b>66</b>	<b>434817</b>	<b>45.35%</b>	<b>30</b>	<b>45.45%</b>	<b>403458</b>	<b>42.08%</b>	<b>27</b>	<b>40.91%</b>
<b>Overall Totals</b>		<b>132</b>			<b>75</b>	<b>56.82%</b>			<b>44</b>	<b>33.33%</b>

\*C&R=Change and Reform ( Hamas)

\*\*Christian quota seats do not affect party results

## Seat allocation using proportional representation by district (estimated)

District	Total Seats	C&R* Seats	% Seats	Fatah Seats	% Seats	Other** Seats	% Seats
Jerusalem	6	2	33.33%	2	33.33%	2	33.33%
Jenin	4	1	25.00%	2	50.00%	1	25.00%
Tulkarem	3	1	33.33%	1	33.33%	1	33.33%
Tubas	1	1	100.00%	0	0.00%	0	0.00%
Nablus	6	2	33.33%	2	33.33%	2	33.33%
Qalqilya	2	1	50.00%	1	50.00%	0	0.00%
Salfit	1	1	100.00%	0	0.00%	0	0.00%
Ramallah	5	2	40.00%	2	40.00%	1	20.00%
Jericho	1	0	0.00%	1	100.00%	0	0.00%
Bethlehem	4	1	25.00%	1	25.00%	2	50.00%
Hebron	9	5	55.56%	3	33.33%	1	11.11%
North Gaza	5	2	40.00%	2	40.00%	1	20.00%
Gaza	8	3	37.50%	3	37.50%	2	25.00%
Deir al-Balah	3	1	33.33%	1	33.33%	1	33.33%
Khan Younis	5	2	40.00%	2	40.00%	1	20.00%
Rafah	3	1	33.33%	2	66.67%	0	0.00%
<b>District Totals</b>	<b>66</b>	<b>26</b>	<b>39.40%</b>	<b>25</b>	<b>37.90%</b>	<b>15</b>	<b>22.70%</b>
	x2	x2		x2		x2	
<b>Overall Totals</b>	<b>132</b>	<b>52</b>	<b>39.40%</b>	<b>50</b>	<b>37.90%</b>	<b>30</b>	<b>22.70%</b>

\*C&amp;R=Change and Reform(Hamas)

\*\*Minor parties and independents



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