

On A Weighted Electoral System

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In many countries, including Azerbaijan, elections to legislative bodies are held according to a winner-take-all principle (a majoritarian electoral system): a single-mandate electoral system is applied, the entire country is divided into electoral precincts, and in each electoral district the candidate with the majority (plurality) of votes is declared the winner. In the last parliamentary elections in Azerbaijan, which international bodies did not consider fair and free, in their respective districts, Erkin Gadirli received 35.6% of the vote, Mikhail Zabelin 35.2%, Aydin Mirzazade 28.4%, and Sabir Rustamkhanli and Razi Nurullayev each 21.4%, yet they were seated in parliament because receiving a majority of the vote is not required for election.[\[1\]](#)

The electoral system described above is unfair due to its negative impact on the principle of equality of citizens (which I will explain further below). There are alternatives to this kind of electoral system, i.e., proportional or mixed electoral systems. They have been discussed extensively, so I will not discuss them. Instead, I would like to discuss a relatively less known electoral system which was initially proposed in 2001 by an American philosopher Robert Nozick.[\[2\]](#) He calls it *Winner Take Proportional All* system, but I will call it the *Nozick System* and I will focus on its benefits in the case of Azerbaijan only. What would happen if the Nozick System were applied in Azerbaijan?

Before turning to this question, I must note that despite the resemblance of the Nozick System to the popular and now frequently discussed idea of consociational democracy, they are slightly different in their goals. Since the late 1960s, scholars in political science have produced a rich literature

on consociational democracy, and there is no doubt that Nozick was well aware of it. However, he notes that his proposal, the Nozick System, had not been previously forwarded or discussed by any political scientist, and I believe he is right: scholars of consociational democracy and Nozick do not cite one another, despite the superficial similarity of their ideas. This is because scholars working on consociational democracy put an emphasis on managing social segments within society.[\[3\]](#) According to its most cited definition, “[c]onsociational democracy means government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy.”[\[4\]](#) Theorists of consociational democracy see the stability of a democracy as the main goal, for these reasons they “start with destabilizing effect of social segmentation, because there are coinciding cleavages or because there is so little mobility between social segments that the usual democratic ‘game’ of vote maximization cannot be played or because of what psychologists would call ‘ingroup-outgroup differentiation.’”[\[5\]](#) However, the primary goal of Nozick is to prevent a majority’s tyranny as well as to reduce the power of both politics and politicians. He is concerned about individuals rather than the social segments to which those individuals belong. Nozick considers the voluntary cooperation between humans as the primary function of ethics: “[t]he function of ethics is to protect and promote voluntary cooperation and coordination between people, to guide this cooperation (through norms of division of benefits), and to demarcate the domain of such cooperation (which people are to be the participants); also, to specify what is to be done when the above rules, norms, etc. are *not* followed.”[\[6\]](#) Nozick believes that politicians polarize society and hinder cooperation, so he endeavors to reduce the power of politicians and prevent them from serving small interest groups. To avoid further complications, however, I will neither give references to the relevant literature nor focus on further similarities and differences between consociational

democracy and the Nozick system; instead, below I will simply describe the Nozick System.

According to the Nozick System, in each electoral district, a candidate with the majority of votes is declared a winner. However, in the legislative body in which the winning candidate occupies a seat, the winner will not have 1 vote, instead, the winner's vote will be equal to the percentage of votes received in the election. According to the current system in place in Azerbaijan, Gadirli, Zabelin and Rustamkhanli, who occupied their seats in parliament with pluralities no greater than 35% of the vote, each have the same voting power in parliament as Vasif Talibov, who received 94.6% of votes in his election: 1 vote. If for the sake of argument, we assume that the election was fair and free, it is unfair that the MPs with 21 percent support should have the same voting power with an MP who received 95 percent support of his/her electorate. If the Nozick System were to be applied, Rustamkhanli would have 0.214% vote instead of a whole vote and Talibov would have 0.946%. Under this system, in a vote on any legislation in the Parliament, 4 combined Rustamkhanlis would still have less voting power than one Talibov. Thus, an MP who received more votes in his district will have more voting power in the Parliament. So, then what are the benefits of the Nozick System?

First of all, under the current system, a candidate tries to get only a plurality of the vote to be elected. If you can get enough votes to take a seat in the parliament, receiving votes more than needed does not bring any additional benefits. Yet in the Nozick System a candidate would be incentivized to build a larger coalition in order to increase the strength of his/her vote in the parliament. Under the current system, a candidate has little incentive to build a broad coalition, and, to the contrary, can be elected by using a confrontational tone that appeals only to a plurality, which then increases polarization. And if/when such a candidate is elected, he/she still has the same voting power as another

candidate who engaged in coalition building tactics to widen their base of support. And, moreover, this MP, in the current winner-take-all system, casts legislative votes in the name of those his/her campaign has alienated. Now imagine that in a voting district 1/3 of population belong to ethnic or religious minorities. A candidate can get the majority or a plurality of votes by attacking those minorities, blaming them for all the troubles in the community during the campaign. In this case, the elected candidate will vote in the parliament in the name of that 1/3 of electorate as well, whom the MP actually attacked during the campaign. However, in the Nozick System, if a politician were elected by campaigning in this manner his/her vote will consequently weigh less, and presumably, most candidates would run more inclusive election campaigns. Citizens, likewise, would also be interested in having a representative who possesses stronger voting power in the legislature. So, citizens may reject a candidate who is polarizing and is not running an inclusive campaign due to lesser power he/she will possess in the legislature if elected. In short, the Nozick system encourages a candidate to get more votes and to build larger coalitions.

Second, under the winner-take-all system, if you voted for a losing candidate, your vote is lost. For example, the 78.6% of Neftchala's registered voters who cast their ballots for candidates other than Rustamkanli lost their votes, and their votes have no influence in the current parliament. At the same time, the votes of the 5.4% Sharur/Sadarak registered voters who did not vote for the seemingly popular Talibov are lost as well. Naturally, this is an unfair situation: if your candidate loses the election, then your vote is in vain because it is not reflected in the result. In the Nozick System, on the other hand, your vote is not meaningless because even if your candidate loses, the winning candidate's voting power in the legislature is diminished proportionally by the votes he/she did not receive. Thus, elected candidate would represent only those voters who casted their ballots for

him/her. To take another case from Azerbaijan, currently Rustamkhanli's vote in the parliament has a value of one vote, i.e., his vote also includes 78.6% of Neftchala voters who did not cast their ballots for him. In the Nozick System, his vote would have a value of 0.214. Although the candidates for whom other Neftchala district cast their ballot would still not be in parliament, at least a candidate for whom they did not vote would not vote in their name, i.e. on behalf of 78.6% of district's electorate. Therefore, voters would have a reason to cast their ballots and would reject the argument 'that candidate is so popular that he is going to win, so there is no rationale for me going to a polling station.'

Third, in the Nozick system, all parliamentarians, and thus the legislative body itself, would represent only part of the whole electorate (for instance, 60%). In other words, legislatures would not be able to claim that the body represents all voters. Therefore, the legislative body would also be interested in increasing its representativeness, and thus its legitimacy. This interest on the part of the state institution (the legislative body) would put an additional pressure on candidates to build larger coalitions because less representation would also be detrimental to the state itself.

Now, I would like to elaborate on a few matters which are not covered by Nozick.

First of all, if we want to ensure that no citizen's vote is cast in vain and that MPs' votes have a weight (power) equal to the percentage of their support in the election, then the number of voters in each election district should be as close to uniform as possible. Although in countries where the single mandate election system is practiced, borders of electoral constituencies are changed according to the number of voters frequently, if the Nozick System is adopted and taken seriously, electoral district boundaries would have to undergo frequent intensive changes, as frequently as for every election. Currently, in Azerbaijan the number of voters is not

equally divided between election districts, and this question is criticized by the OSCE ODIHR's reports after each election.[\[7\]](#) The data from 2020 collected by the Azerbaijani Central Election Commission (CEC) shows substantial variation in constituency sizes: Shahbuz-Babak election constituency #5 had approximately 27 thousand registered voters, while Sabunchu election district #28 53 thousand, and Khankendi election district #122 a little more than 5 thousand.[\[8\]](#) This means that a single vote in Khankendi weighs as much as that of 10.6 Sabunchu voters, because both Khankendi election district with 5 thousand voters and Sabunchu district with 53 thousand voters delegate to the parliament one MP each. This is unfair because this situation does not maintain the principal of equality among citizens.

Secondly, let us assume that in an Azerbaijani election held according to the Nozick System, parliament represents 60% of voters. How should laws be passed? In this case the situation will be as follows:

a. The 125 deputies represent in the Azerbaijani Parliament represent 60% of the voters. The total votes of 50 deputies who received more votes than other deputies in their respective districts is more than half (let us assume 50.1%) of the votes of total number of deputies. It means that a law is passed if those 50 deputies out of total 125 vote for it. So, a new law is passed thanks to deputies who were supported by a little more than 30% of total voters of the country. Meanwhile, the votes of 69% of the population are lost because the law is passed by persons who do not represent them. In this scenario, representatives of smaller part of the population have the power to pass laws.

b. 125 deputies in the Parliament represent 60% of the voters. The votes of 50 deputies who received more electoral support in comparison with the other 75 representatives value more than half (at least 50.1%) of the total votes *in the Parliament*. But in this scenario, the legislature has a rule

that in order for a law to be passed, representatives of more than half of the *country's total voters* have to support it. Therefore, if 125 deputies represent 60% of total voters of the country, then deputies whose combined vote count during the election reached 50.1% of the total votes of the population (let us assume 105 deputies) must support the legislative proposal in order to pass it.

In my view, case b is fairer because in that case, none of the voters lose their vote. Parliament would be incapable of passing laws without securing the support of deputies who, in total, received more than half of the votes of the total number of voters. This complicates the work of parliament and forces it (and all its deputies at the same time) to seek more support, to build broader coalitions.

Third, a new regulation can be introduced which allows the election of more than one deputy from each election district. Such a regulation might be somewhat complex. The aim is to grant representation in the parliament to the candidates who jointly collect the absolute majority of votes in the district (let us say 70-80 percent), with different conditions for how they split that large majority.

a. In each election constituency two candidates who received, in total, a majority of the vote are elected. Each should receive at least 30% of votes and their combined votes should not be less than 70% For instance, candidate A receives 40% and B 35% of the vote, and thus both are elected. Thus 75% of the district's voters are represented in the parliament.

b. In each election constituency three candidates who receive, in total, a majority of the vote are elected. Each should receive at least 20% of votes and their combined voters should be more than 70%. In this case, candidate A receives 40% of the vote, B 25%, and C 20%, and all three of them are elected. Thus 75% of the district's voters are represented in the parliament.

c. In each election constituency five candidates who receive, in total, a majority of the vote are elected. Each should receive at least 10% of the vote and their combined vote should be more than 70%. In this case, candidate A receives 25%, B 20%, C 15%, D 13% and E 12% of the votes and all five of them are elected. Thus 85% of the district's voters are represented in the parliament.

This list can be extended and electoral system can be complicated further. It can be structured in a way that those candidates who receive at least 70% or 80% of votes are elected. If the goal is to attract more voters and, in the parliament, to get a voting power proportional to received votes within constituencies, then it is fairer to have two or more deputies from each constituency. The parliament elected with this system will represent a larger part of the population.

[1] MSK. "Dairələr Üzrə Seçilmiş Namizədlər," 2020. <https://www.infocenter.gov.az/archive/millimeclis2020.aspx?i=1>.

[2] Nozick, Robert. *Invariances: The Structure of the Objective World*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2001, 266.

[3] See also, Lijphart, Arend. "Consociational Theory: Problems and Prospects. A Reply." *Comparative Politics* 13, no. 3 (1981): 355–60.

[4] Lijphart, Arend. "Consociational Democracy." *World Politics* 21, no. 2 (1969): 207–225, 216.

[5] Andeweg, Rudy B. "Consociational Democracy." *Annual Review of Political Science* 3, no. 1 (2000): 509–36, 511.

[6] Nozick. *Invariances*, 266.

[7] OSCE ODIHR. "Azerbaijan, Early Parliamentary Elections, 9 February 2020: Final Report," 2020.

<https://www.osce.org/odihr/elections/azerbaijan/457585>.

[8] CEC. “Election Constituencies,” 2020.
<https://www.infocenter.gov.az/page/voters/>.