# Snapshot: Why is it so hard for small political parties to win seats in the National Assembly?- August 2017

For several reasons, winning a seat in Cambodia's National Assembly is highly unlikely for smaller political parties. This snapshot discusses factors that may contribute to this phenomenon by looking at the seat allocation formulas and methods that have been implemented in the country's electoral process.

## Background

Like countries such as Finland, Sweden, and the Netherlands, Cambodia applies a party list proportional representation (PR) election system. The principle of PR is that seat(s) of a political party must be proportional to votes that party has received in a given constituency.[i] Under a PR election system, the cumulated number of votes received by all political parties rarely translates into the exact number of seats available when allocated on a pro rata basis. This requires remaining votes to be allocated under methods such as d'Hondt, sainte-laguë or the "largest remainder method".[ii]   The relevance and potential implications of these methods in the Cambodian context are discussed here.

Since 1993, Cambodia has applied two different methods to allocate seats to political parties in NA elections. The "largest remainder method" was adopted in the United Nations Electoral Law for Cambodia of 1992 (commonly referred to as the "UN Election Law").[iii] Applied only once in the 1993 NA elections, this method allocates remaining seats to whichever party has the largest remainder.[iv] The "largest reminder" formula was generally viewed as resulting in fair seat distribution and allowing small political parties a chance to gain remaining seats after the quota.

A new seat allocation formula, the "Highest Average Method" or "d'Hondt Method", was adopted in the Law on Elections of Member of the National Assembly ("LEMNA") in 1997, and the formula remains unchanged to this day.[v]  On December 19, 1997, the NA passed the first LEMNA and set the second NA election date on 26 July, 1998. The 1997 LEMNA did not only mandate the establishment of the electoral administration body, called the National Election Committee (NEC), [vi] but also adopted a new seat allocation formula, "Highest Average". Rather than providing specific details on the formula for seat allocation, the 1997 LEMNA only stated in article 118 that "*Remaining seat(s) for a constituency shall be allocated in accordance with the highest average formula".*[vii] In practice, under this formula, political parties are rewarded the seats by first calculating the quota and then applying highest average when there is remaining seat(s) to be allocated (this formula is explained in detail in the next section).

Available documents do not offer a clear explanation of why this new formula was adopted by the NA. However, it is worthwhile to note that when the "Highest Average" was adopted in the 1997 LEMNA, there were no objections publicly raised by political parties,[viii] despite the formula favoring bigger parties (e.g CPP), particularly when compared to the largest remainder formula that preceded it.[ix] Then why did

highest average formula become central to opposition grievances after the NA election in 1998? According to Jeffrey Gallup, "*NEC and its experts mistakenly wrote down different formula quota method instead of highest average/d'Hondt in the draft electoral regulations... Then NEC caught its error and reinserted the highest average system in its final published regulations*". As a consequence, various political parties and NGOs used quota method and NEC used highest average method to calculate election results in 1998. The quota method gave the CPP a lower number of seats compared to the highest average method, which is why opposition parties claimed that quota was preferable and should be applied.[x] However, both highest average and quota method have disadvantage.

For the purpose of this snapshot, we focus on the two formulas that Cambodia has applied; Largest Remainder (thereafter 1993 Formula) and Highest Average (thereafter New Formula).

**How the formulas work?**

As an example: A province has three political parties participated in the NA election; parties A, B and C. The province has 5 seats and a total of 100,000 votes. Party A received 60,000 votes, B received 28,000 votes and C got 12,000 votes. To understand how both formulas work, please see the table below.

*"1993 Formula"*

The UN election law (article 79), in determining seat allocation for political parties, lays out the following steps:

(1) Calculate the quota per seat (the "Quota") by using the total number of valid votes for all political parties in a province, divided by the total number of NA seats in that province;

(2) Determine the number of seats for a political party by dividing the number of total valid votes that a party received by the Quota.

(3) If there are remaining seats to be allocated after step (2), the remaining seats should be allocated to the party that has the highest number of unallocated votes.

| Party | Vote | Quota (1) | Seat by quota (2) | Remainders | Seat after quota (3) | Total seat |
|-------|------|-----------|-------------------|------------|----------------------|------------|
| A | 60000 | 20000 | 3 | 0 | 0 | 3 |
| B | 28000 | | 1 | 8000 | 0 | 1 |
| C | 12000 | | 0 | 12000 | 1 | 1 |
| Total | 100000 | | **4** | | | **5** |

*Note: since a party needs to have 20000 votes (Quota) in order to receive a seat, therefore after allocating seats by quota, A has 0 remaining vote, B remains 8000 vote unallocated and C still has 12,000 votes because it could not reach a quota in the initial step. Source: Gallagher Michael's paper (1991) "Comparing Proportional Representation Electoral Systems: Quotas, Thresholds, Paradoxes and Majorities".*

Only parties A and B could receive seats by quota in the first place, winning 3 and 1 respectively. However, there is 1 remaining seat to be allocated. By looking at the largest remainder after quota, party C has the largest number of votes (12000), and therefore it receives the last remaining seat.

*"New Formula"*

The new formula is referred to in article 135 of the LEMNA, 2015. The first two steps to determine seat allocation for a political party in a province/municipality are identical to the 1993 Formula (above).

Under the New Formula, however, if there are remaining seat(s) to be allocated, they shall be awarded based on the highest average formula, calculated as follows:

Highest average (Ha) = Number of Valid vote for a political party (Vv) ÷ Number of seat (s) allocated to a political party in step (2) (Ns) +1 or (Ha = Vv/ Ns+ 1)

| Party | Vote | Quota (1) | Seat by quota (2) | Highest Average (HA) | Seat after Quota | Total seat |
|-------|------|-----------|-------------------|----------------------|------------------|------------|
| A | 60000 | 20000 | 3 | 60000/ (3+1) = 15000 | 1 | 4 |
| B | 28000 | | 1 | 28000/ (1+1) = 14000 | 0 | 1 |
| C | 12000 | | 0 | 12000/ (0+1) = 12000 | 0 | 0 |
| Total | 100000 | | **4** | | | **5** |

Using the highest average formula, the remaining seat is allocated to party A because A has the highest average with 15000, comparing to B and C. This formula benefits bigger parties by making it more likely that they will gain more seats after the initial quota, even if it has no more remaining unallocated votes. As result, party A received 4 seats, B received 1 and C got nothing.

**What can we learn from these examples of applying both formulas?**

The 1993 Formula gives a chance for the smaller political parties win seats in the NA and it could create a more fair distribution among political parties by allocating more of the remaining seats to the parties with the highest number of unallocated votes. If we applied the 1993 Formula to calculate the 2013 NA election result, FUNCINPEC party could gain 5 seats in the NA because of its largest remainders in five constituencies: Banteay Meanchey, Battambang, Kampong Cham, Kampong Thom and Siem Reap. The CPP would have received 66 seats, while 52 seats would have gone to the CNRP.

On the other hand, the New Formula restricts the chance for smaller parties to receive any remaining seats because it favors parties that receive the larger number of votes, even if they have a far smaller number of unallocated votes compared to the smaller parties. For instance, in the above example in the first table: party A has 0 unallocated votes after quota but still receives the last remaining seat due to having the highest average. Applied in 2013, the highest average formula yielded a result of 68 seats for the CPP, 55 seats for the CNRP and none for FUNCINPEC.

**What method ensures a fair share?**

In order to ensure a fair share in the number of seats allocated to political parties in the NA election, the 1993 formula (largest remainder) should be reconsidered to apply once again in Cambodia because it allows small political parties to receive seats after quota and therefore, Cambodia may have more than two political parties represented in the NA. In addition, this formula may reflect the value of equality of votes that can be expressed through the number of seats. One should be mindful that formula is not the only factor that decides the number of seats a political party receives: number of votes and the size of constituencies in relation to the number of seats they have in the NA are also important factors.

**Annex 1:** Comparing seat allocation to political parties by using 2013 election results[1]

| Province | Seat | Seat received by political party using Formula in 1993 (UNTAC) | | | New formula in LEMNA (been applying from 1998- present) | | |
|---|---|---|---|---|---|---|---|
| | | FUN | CPP | CNRP | FUN | CPP | CNRP |
| Banteay Meanchey | 6 | 1 | 4 | 1 | 0 | 4 | 2 |
| Battambang | 8 | 1 | 4 | 3 | 0 | 5 | 3 |
| Kampong Cham | 18 | 1 | 8 | 9 | 0 | 8 | 10 |
| Kampong Chhnang | 4 | 0 | 2 | 2 | 0 | 2 | 2 |
| Kampong Speu | 6 | 0 | 3 | 3 | 0 | 3 | 3 |
| Kampong Thom | 6 | 1 | 3 | 2 | 0 | 3 | 3 |
| Kampot | 6 | 0 | 3 | 3 | 0 | 3 | 3 |
| Kandal | 11 | 0 | 5 | 6 | 0 | 5 | 6 |
| Koh Kong | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Kratie | 3 | 0 | 2 | 1 | 0 | 2 | 1 |
| Mondulkiri | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Phnom Penh | 12 | 0 | 5 | 7 | 0 | 5 | 7 |
| Preah Vihear | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Prey Veng | 11 | 0 | 5 | 6 | 0 | 5 | 6 |
| Pursat | 4 | 0 | 3 | 1 | 0 | 3 | 1 |
| Rattanakiri | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Siem Reap | 6 | 1 | 3 | 2 | 0 | 4 | 2 |
| Preah Sihanouk | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Steung Treng | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Svay Rieng | 5 | 0 | 3 | 2 | 0 | 3 | 2 |
| Takeo | 8 | 0 | 4 | 4 | 0 | 4 | 4 |
| Kep | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Pailin | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| Oddar Meanchey | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| **Total** | **123** | **5** | **66** | **52** | **0** | **68** | **55** |

[i] Norris Pippa (1997)."Choosing Electoral System: Proportional, Majoritarian and Mixed Systems". *Haward University*.

[ii] Gallagher Michael (1991)."Proportionality, Disproportionality and Electoral System". *Electoral Studies*. p.33

[iii] Jeffrey Gallup (2002) "Cambodia's Electoral System: A Window of Opportunity for Reform". *Electoral Politics in Southeast and East Asia.*

[iv] Norris Pippa (1997) "Choosing Electoral System: Proportional, Majoritarian and Mixed Systems". *Haward University*.

[v] Article 135 of LEMNA (2015) *"Allocation of seats shall be made in accordance with the highest average formula depends on the number of seats and the result of the election in the province/municipality.*

[vi] NEC. National Election Committee History. Available at: https://www.necelect.org.kh/khmer/content/2. Accessed on 12 July 2017.

[vii] Cambodia: Law of 1997 on the Election of the Members of the National Assembly, Article 118, 26 December 1997. Available at: http://www.refworld.org/docid/3ae6b5448.html .Accessed on 12 July 2017.

[viii] Jeffrey Gallup (2002) ."Cambodia's Electoral System: A Window of Opportunity for Reform". Electoral Politics in Southeast and East Asia. p.36.

[ix] Gallagher Michael."Comparing Proportional Representation Electoral Systems: Quotas, Thresholds, Paradoxes and Majorities. Department of Political Science, University of Dublin.

[x] Jeffrey Gallup (2002). "Cambodia's Electoral System: A Window of Opportunity for Reform". Electoral Politics in Southeast and East Asia. p.58.

[1] For the purpose of this exercise, Future Forum chose only three political parties that received the highest number of votes in 2013 NA election as an example. Once again, the quota of a province can be determined by dividing the total valid votes that all political parties received in a province/municipality by number of seat(s) in a province. Voting data is from the NEC's Official Result of Election of Member of the National Assembly 2013.