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## EPDE Policy Alert #7

### Armenian Electoral Code Amended to Remove District Seats

*On April 1, 2021, a marathon parliamentary session removed district seats from Armenia's Electoral Code.*

Change doesn't happen overnight... until it does. Eliminating district seats from Armenia's Electoral Code was the flagship policy in the electoral reform bill brought forward in October 2018 by Prime Minister Nikol Pashinyan's first government. That bill failed to attract enough votes to pass because the National Assembly was still controlled by the Republican Party of Armenia (RPA), whose MPs were not present at the parliamentary session in sufficient numbers. One could argue that it was that bill's failure that kept electoral reform as a policy priority after the My Step Alliance achieved a parliamentary majority in the December 2018 election.

On April 1, 2021, the elimination of district seats was finally accomplished through a special parliamentary session that passed both required readings of a priority bill on the same day. It was the only item of business that day.

#### What's Wrong With District Seats?

District seats are very common in democracies around the world. However, in the dominant party systems that filled the void in newly-independent Soviet successor states, they came to be associated with local "oligarchs", a politically-charged term that refers to individuals that leveraged business interests into political power and vice versa.

Many post-Soviet states (including Armenia) opted for a Mixed-Member Majoritarian (MMM) electoral system after independence, which elects MPs in two different ways: through proportional national party lists, and also single-member geographic district seats. The difference between MMM and Mixed-Member Proportional (MMP), used in Germany and New Zealand, is that overall proportionality of seats to votes is not maintained; the district seats are not part of the proportional calculation. The end effect is that the largest, dominant party ends up with more seats than they would under a proportional model.

Although these details may seem like an obscure academic curiosity, the issue has been a hot political topic both in Armenia and neighbouring [Georgia](#). Long before the Velvet Revolution, as far back as 2012, a bill was brought forward by two political parties, the Armenian Revolutionary Federation (ARF) and the Heritage Party, to eliminate territorial districts and move to a fully proportional model. The bill was voted down by the then-ruling Republican Party of Armenia (RPA) and its coalition partner Country of Law Party. The leadership of the Prosperous Armenia Party voiced support for the bill but a few of its MPs still voted against it.

Subsequently, the 2015 Constitution, brought forward by Serzh Sargsyan's RPA in an attempt to circumvent the presidential two-term limit, promised to abandon the MMM electoral system with its district seats and move to a fully proportional model. This concession is seen as a major factor in the ARF's decision to endorse the new constitution, which passed in a national referendum that was subject to "[widespread irregularities, interference and intimidation](#)" according to citizen observers, opposition groups and media.



However, the revamped 2016 Electoral Code that followed the 2015 constitutional referendum reinserted a hybrid district seat component. Under the new complicated formula, nicknamed *ratingayin* in public discourse, seats would be allocated to parties proportionally, with half their MPs coming from a national closed list and the other half from open list contests in 13 electoral districts. However, all votes cast for an open list district candidate automatically counted toward electing the party elite off the national closed list.<sup>1</sup>

During the 2017 parliamentary election, this alternate approach was seen as providing an advantage to the dominant RPA because it could co-opt local personalities (some of which were major local employers that could put pressure on their employees) to collect votes for them. As voters could choose only one open list candidate, poll results themselves became a tool for senior party figures to verify which local partners were most instrumental in collecting votes for them. ODIHR-OSCE Mission also reported “[widespread allegations of vote-buying](#)”. Whether it was through intimidation or inducements, or simply bringing their wide network into the party’s fold, the system itself rewarded the best performers with a seat as an MP.

In this way, district seats have come to be associated with a polluting of the political process in Armenia, despite open list systems being seen as an avenue for intra-party democracy in other countries. Eliminating district seats is part of a suite of measures intended to move from person-centered politics to idea-centered politics.

### What’s The Rush?

A [comprehensive electoral reform bill](#) was published on March 9 and also [sent to](#) the Venice Commission and OSCE/ODIHR for an expert opinion. Eliminating district seats was one component of that legislative package, which included many more provisions on ensuring a fair, competitive campaign.

On March 18, the ruling My Step Alliance came to an agreement with the opposition Prosperous Armenia and Bright Armenia parties to hold an early election on June 20, 2021. With the next election so close, not all the provisions in the larger package will be possible to implement in time; some may not come into effect until the following election. The elimination of district seats was identified as a non-negotiable priority, however. In order to provide clarity as far in advance as possible to political parties looking to participate in the coming election, this one component was singled out into its own priority bill and passed in one day on April 1, while the assessment of the full package by international partners is still pending.

### Going It Alone

This bill is the third to pass as part of the [electoral reform process](#) that kicked off in 2019. The previous two, on [municipal election reform](#) and [amendments to the Law on Political Parties](#), were able to garner the support of opposition parties. However, both parliamentary opposition parties abstained from this one. It needed at least 80 affirmative votes out of 132 MPs, a three-fifths supermajority, to pass as the Electoral Code is considered a Constitutional Law. It succeeded 82-0, with two now-independent former members of the two opposition parties voting in favour.

The Prosperous Armenia Party announced that they were ready to contest the coming election under any electoral system, not definitely taking a stand in favour or against the elimination of district seats.

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<sup>1</sup> Section 3 of a [white paper published in EVN Report](#) provides a full explanation of the *ratingayin* formula.



Senior party figures Naira Zohrabyan and Vahe Enfiayyan had voted in favour of the simple proportional approach back in 2012.

The Bright Armenia Party had been consistently calling for a national-level open list system during parliamentary working group meetings over the past year, despite supporting the closed list approach in 2018 and, for municipal elections, in 2020. With this point of disagreement now out of the way, the likelihood is higher that Bright Armenia will support the larger package of electoral reforms, expected to come at the end of April.

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*This issue is part of a series of EPDE Policy Alerts to inform relevant stakeholders and decision makers in the European Union, the Eastern Partnership, and globally about reforms in the field of electoral legislation and administration. Please feel free to forward and share our analysis.*

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