



ASSEDEL

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**ASSEDEL'S COMMENTS ON THE VENICE
COMMISSION'S GERMANY JOINT OPINION
REPORT ON AMENDMENTS TO THE FEDERAL
ELECTION ACT**

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The European Association for the Defense of Rights and Freedoms is eager to introduce its opinion on the report by the Venice Commission regarding the reforms in German electoral law. Despite that the electoral law is a national subject matter, according to the Venice Commission, it should be examined in order to prevent any potential violations in international electoral standards.¹ This opinion tries to evaluate both German domestic law and international standards in a comparative and exemplary manner. Moreover, the paper consists of excerpts of Venice Commission's report, the national perspective on the amendment of the German federal electoral law, and lastly Association's perspective on the issue.

A. Overview of the reform

Reform, of Latin origin, describes a planned transformation of existing relationships, systems, ideologies or beliefs in politics, religion, economics, or society.² The draft law on this planned transformation (Reform) in Germany and its compliance with Council of Europe standards was put under scrutiny by the President of the Parliamentary Assembly of the Council of Europe, Mr. Tiny Kox, in a letter dated March 3, 2023. Later, on May 23, 2023, five experts commissioned for this research met representatives of the Bundestag parliamentary groups, the Federal Ministry of the Interior and municipalities.³ As a result, the Venice Commission's report was published on June 12, 2023.

B. The pre-reform system and the reform process

I. Internal debates on the German electoral law before reform⁴

The German Bundestag is elected according to the principles of proportional representation in conjunction with personal elections. This is also called personalized proportional representation.⁵ The system of two votes has been in use since the second Bundestag elections

¹ Venice Commission: Page 12, paragraph 46.

² Bundeszentrale für politische Bildung, <https://www.bpb.de/kurz-knapp/lexika/das-junge-politik-lexikon/321025/reform/>

³ Venice Commission: Page 3, paragraph 3.

⁴ All laws listed under this heading predate the reform. (old version)

⁵ Bundestag-Weber, Rechtswörterbuch 30. Edition, Nr. 2., https://beck-online.beck.de/Dokument?vpath=bibdata%2Fflex%2Fcre_30%2Fcont%2Fcre.bundestag.htm&anchor=Y-500-W-CRE-SW-BUNDESTAG

⁶ Reform des Bundestagswahlsystems-Verlag Bertelsmann Stiftung, <https://books.google.de/books?hl=en&lr=&id=6FV3DwAAQBAJ&oi=fnd&pg=PT6&dq=vorteile+und+Nachteile+der+Bundeswahlgesetz+Reform&ots=qKO3ohvsWT&sig=YjdWVuM6vq8KGiAcbHVidkIo9o#v=onepage&q&f=false>

in 1953.⁷ According to the system, the first vote is used for the election of a constituency representative, and the second one for the election of a state list.⁸

In the case of the pre-reform electoral system, 299 of these members are elected based on district election proposals in the constituencies and the remaining members are elected based on state election (state lists), as per § 1 (2) of the Federal Electoral Act (BWahlG).⁹ Each constituency's initial ballots are contested by candidates. Additionally, either one nominee from each party or independent candidacies are permitted. A candidate is elected and gains entry into the Bundestag (Directmandate) if they obtain the majority of the first votes in their district. As a result, in a straight election, 299 deputies are chosen with the first vote.¹⁰ The most crucial aspect in this case was that a direct mandate bearer holds a seat in the Bundestag despite not being a member of any party or having no other Member of Parliament representing them in Parliament (§ 5 BWG). § 1 (1) According to BWahlG, the German Bundestag consists of 598 members, subject to the deviations resulting from this law.¹¹ The second vote determines how many of the total 598 seats in the Bundestag are allocated to each party (§ 6 BWG). It therefore plays a relevant role in determining the majority in the Bundestag. If any one of the two conditional is not satisfied, the second votes are discarded. The parties had to have secured three constituencies (Grundmandatsklausel) or at least 5% of all second votes. Instead of choosing a candidate, as they did in the first vote, voters select a party's state list. These state lists are calculated using the Hare-Niemeyer method; cf. also using the d'Hondt system. The list includes the candidates that a party wants to represent the particular federal state in the Bundestag. One problem that may arise in connection with the 5% hurdle is the potential disadvantage of smaller parties, which have a hard time crossing this hurdle. Since the order of the candidates was determined by the election within the parties and cannot be changed, the land parties lists are closed. If a party wins more constituencies (direct mandates) than it is entitled to according to the ratio of second votes, it may keep the excess direct mandates (so-called → overhang

⁷ Deutscher Bundestag-Wissenschaftliche Dienste Negative Stimmgewichte und die Reform des Bundestags-Wahlrechts 2009-Daniel Lübbert, 2.3.
https://www.bundestag.de/resource/blob/190518/f16d723fc637f4161196fe42d1a2bdc5/negative_stimmgewichte-data.pdf

⁸ Die Bundes Wahlleiterin, Das Wahlsystem, <https://www.bundeswahlleiterin.de/bundestagswahlen/2021/informationen-waehler/wahlsystem.html#ee103913-a2a7-4b06-b279-cc3f5051a0d4>

⁹ Buzer.de <https://www.buzer.de/gesetz/33/al177578-0.htm>

¹⁰ Bundesregierung Deutschland, <https://www.bundesregierung.de/breg-de/themen/bundestagswahl-2021/bundestagswahl-erst-und-zweitstimme-1947318>

¹¹ Buzer.de <https://www.buzer.de/gesetz/33/al177578-0.htm>

mandates).¹² Each party thus receives the share of the vote corresponding to the proportion of second votes according to the principle of proportional representation; the party with the most overhang mandates in a state receives for that state exactly as many seats as it has won direct mandates.¹³ The allocation of direct mandates, which might cause distortions in the Bundestag, may not always match the ratio of total votes. This could be one issue in this case. This means that with the overhang and compensatory mandates, the number of members of the Bundestag can increase significantly, which can lead to various negative effects. Abuse of this position is possible due to the growing size of parliament and the ease with which direct mandates can be granted a seat in parliament. In Germany, the debate over seat allocation and the size of the Bundestag is not new and has been discussed widely for some time.¹⁴ Moreover, the long-unresolved problem of parliamentary seats has also been repeatedly addressed in the media. There are many news articles on this issue, particularly "How will the seats be distributed?", "Is an XXL Bundestag threatening?" and "How the Bundestag will be reduced in size" are accumulated from day to day, especially before and after the elections. Given the influence of the media, it was inevitable that voters would start to distrust the system. As mentioned on page 7, paragraph 25 of the Venice Commission's report, the loss of voters' confidence in democracy and the electoral process will have major negative implications for the state. Only when such a situation or risk arises can the system be reformed, as Germany has done.¹⁵

II. The Federal Election Law of 2020 amendment's unsuccessful request

It is important to highlight the unsuccessful application to suspend the norm-checking procedure for amending the 2020 Federal Election Law. This application was submitted by 216 members of the parliamentary groups Bündnis 90/Die Grünen, Die Linke and FPD from the 19th German Bundestag.¹⁶ The applicant's legal standing is not protected by the objective process of abstract assessment of norms; only the constitution is. Once the procedure has been initiated by the application, its further course no longer depends on the applications and suggestions of the applicant, but exclusively on aspects of public interest. Only in the event that there is no

¹² Public Choice, Volume 197 Oktober 2023- Political competition and legislative shirking in roll-call votes: Evidence from Germany for 1953–2017,

<https://link.springer.com/article/10.1007/s11127-021-00906-w>

¹³ Was sind Überhang- und Ausgleichsmandate?-Deutscher Bundestag 2021,

<https://www.bundestag.de/parlament/bundestagswahl/ausgleichsmandat-515182>

¹⁴ Budrich Journals DNGBPS Working Papers-Lorenz Schleyer, <https://www.budrich-journals.de/index.php/dngbps/article/view/37711>

¹⁵ Venice Commission Page:7 Paragraph: 25.

¹⁶ Deutschlandfunk, <https://www.deutschlandfunk.de/wahlrechtsreform-wie-der-bundestag-verkleinert-werden-soll-100.html>

justification for the proceedings' continuance in the public interest would they be halted. Regardless, election rules are legally binding as long as the parliament that established them is still in existence. The legitimation and integration function of the election give rise to a considerable interest in establishing whether the members of the German Bundestag have been elected on a constitutional basis. In addition, on November 10, 2022, the German Bundestag decided to partially repeat the elections overhang mandate section for the 20th German Bundestag in Berlin. This decision is the subject of several election review complaints before the Federal Constitutional Court. Pursuant to Section 44 (2) sentence 1 BWahlG, the repeat election shall be held in accordance with the same provisions as the main election. Its factual and legal requirements are to correspond as far as possible to those which already applied to the main election. According to this, a repetition of the election of the 20th German Bundestag would in principle have to take place in accordance with the standards of the 25th Act Amending the Federal Election Act. In this respect, too, there is therefore a considerable public interest in determining whether these standards are constitutional. Particularly in view of the oral hearing already scheduled, this offers the opportunity for prompt treatment and decision of the constitutional issues in the clarification of which there is the stated public interest.¹⁷ It is therefore evident that the public interest played the most important role in the implementation of the reform.

C. The rationale for the change, its outcomes and instances from other European countries

I. The primary justifications for the need for reform. (Summary)

A number of issues with the existing electoral system led to Germany's 2023 electoral reform. The paper briefly outlines the primary justifications for the need for reform.

1. Overhang and Compensation Seats:

A major issue in the existing German electoral system was the presence of so-called overhang seats. These occurred when a party won more direct seats in constituencies comparatively to

¹⁷ Bundesverfassungsgericht-Pressemitteilung Nr. 34/2023 vom 28. März 2023, <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2023/bvg23-034.html>

their proportional share based on their second vote (party list vote) entitled to them. This led to an oversized Bundestag, resulting in a disproportionate parliament.¹⁸

2. Inequity in the Electoral System:

Smaller parties were disadvantaged as it was harder for them to overcome the 5% threshold to enter the Bundestag, while larger parties benefited from overhang seats. The existing electoral system was therefore seen as undemocratic and unfair because it led to distortions in the proportionality of parties in the Bundestag.

3. Constitutional Court Rulings:

The Federal Constitutional Court had issued multiple rulings in the past, declaring the existing electoral system unconstitutional. The court called for a fairer distribution of seats in the Bundestag and a resolution of the issues related to overhang seats.¹⁹

4. Legitimacy and Trust in Politics:

Problems in the electoral system eroded trust in the political system and parties. The reform was also seen as necessary to restore the legitimacy of political institutions and enhance citizens' trust in democracy.²⁰

II. Variances in parliamentary opinions and their consequences

A reform can influence the positions of political parties in the Bundestag. Some parties may support the reform and perceive it as a positive step toward strengthening democracy, while others may have concerns about its impact on their political representation. Different views and perspectives were held over the contentious 2023 Federal Election Reform in German politics. As stated in the Venice Commission report, the CDU and CSU parliamentary group members required the negotiations be put on hold. They stated that they were not notified by the Commission of the negotiations, which were set to begin at noon on the day before the meeting,

¹⁸ Bundestag, <https://www.bundestag.de/dokumente/textarchiv/2020/kw38-de-bundeswahlgesetz-791796>

¹⁹ Was sind Überhang- und Ausgleichsmandate?-Deutscher Bundestag 2021, <https://www.bundestag.de/parlament/bundestagswahl/ausgleichsmandat-515182>

²⁰ Nomos Kommentar-Dieter Nohlen, <https://www.jstor.org/stable/pdf/24238683.pdf>

which was the basis for the postponement. They contend that there should be no haste involved in making such a significant shift and that the process is being hurried. The parliamentary group of the Left Party was another faction that opposed the change.²¹ They stated that due to the fact that the amendment was only recently proposed, there was insufficient time to determine its legitimacy and create a legislative response. The AfD parliamentary group is one of the dissenters, which believes that the amendments should be reconsidered because they contain a new proposal that has not been discussed by the committee. One of the reform's supporters, the SPD parliamentary group stated that the procedure shouldn't be prolonged, including the time period for a possible reform review by the Federal Constitutional Court before the next Bundestag elections. Moreover, the official complaints against the revision of the federal election law, according to the SPD, are baseless. The parliamentary group Alliance 90/The Greens likewise supported the revisions, pointing out that other models of electoral reform have previously been thoroughly debated in the sessions of the Electoral Law Commission. The Bundestag and the German political scene may be affected in a number of ways by the arguments and controversies surrounding the change of the federal electoral law. Divergent views on the change may serve as a reminder of the Bundestag's need for discussions and compromises. This might facilitate the parties' search for cooperative ways to carry out or modify the change. As the discussion rages on, uncertainty over how the differences over the reform will be settled might cause temporary political instability.

III. Benefits and drawbacks of the reform

At this part of the paper, we aim to examine pros and cons of changing the German Electoral Law, considering perspectives of state administration, voters, and candidates.

1. Advantages of the amendments in the Federal Election Act

The German Federal Electoral Act reform of 2023 sought to improve the current election system and bring new perspectives and advantages. The following are some possible benefits of the reform:

²¹ Vorschläge zur Reform des Wahlrechts kontrovers bewertet, <https://www.bundestag.de/dokumente/textarchiv/2023/kw06-pa-inneres-wahlrechtsreform-931376>

Fairer Seat Distribution: The reform aimed to reduce overhang seats and compensation seats, which had previously led to an overproportioned expansion of the Bundestag. This was intended to result in a fairer distribution of seats and enhance the representativeness of the parliament. A fairer distribution of seats helps to strengthen the principle of electoral equality. If the number of seats in parliament is closer to actual voter preferences, citizens' votes will have a more equal weighting. A distribution of seats that corresponds more closely to the actual election results leads to increased representativeness of parliament. Members of parliament better reflect the political preferences of voters, which strengthens the legitimacy of parliament.²²

Enhanced Proportionality: By introducing party list seats allocated at the state level and limiting overhang seats, the electoral system should become more proportional. This allows for a better reflection of the will of the voters in the Bundestag. A proportional electoral system optimizes the voting weight of the electorate. Each vote cast helps to more accurately reflect the composition of the Bundestag, which strengthens electoral equality.²³

Parliamentary Stability: The reform also aimed to increase the stability of the parliament by reducing the number of overhang seats and potentially the number of representatives elected through overhang seats.

Reduced Tactical Voting: By separating the first vote (for a direct candidate) and the second vote (for a party list), voters should be able to express their preferences more accurately without the perceived need for tactical voting in the first vote, which allows voters to express their preferences more precisely. They can cast their vote for a direct candidate they personally support while expressing their political preference on the party list. This promotes a more accurate representation of individual political beliefs.²⁴

²² BVerfG-NVwZ 2012, 1102. <https://beck-online.beck.de/Dokument?vpath=bibdata%2Fzeits%2Fnvwz%2F2012%2Fcont%2Fnvwz.2012.1101.1.htm&pos=2&hlwords=on>

²³ NVwZ 2023, 785-Schönberger, <https://beck-online.beck.de/Dokument?vpath=bibdata%2Fzeits%2Fnvwz%2F2023%2Fcont%2Fnvwz.2023.785.1.htm&pos=1&hlwords=on>

²⁴ ZRP 2017, 105-Thiele, Alexander, <https://beck-online.beck.de/?vpath=bibdata/zeits/ZRP/2017/cont/ZRP.2017.105.1.htm>

More Party Diversity: The reform could also help increase the diversity of parties represented in the Bundestag, as it might become somewhat easier for smaller parties to surpass the 5% threshold.

Legitimacy of the System: The reform was seen as necessary to strengthen the legitimacy of the German political system and solidify the trust of citizens in democracy by addressing issues inherent in the old system.²⁵

2. Disadvantages of the Amendments to the Federal Election Act

While the 2023 Federal Electoral Act reform in Germany has many advantages, there have also been some disadvantages and controversies discussed in connection with the reform. Here are some of the potential drawbacks:

Complexity of the System: The new electoral system, which combines first-past-the-post (direct mandates) and proportional representation (party list votes), may be complex for some voters. The need to cast two votes and understand the implications of the reform on the distribution of seats in the Bundestag could lead to confusion. The complexity of the electoral system could deter some voters or cause them to withdraw from voting. If voters feel that they do not fully understand the implications of their votes, they may be inclined not to vote, which could threaten the legitimacy of the democratic process. Complex electoral systems could be more susceptible to manipulation because they contain confusing elements that could be exploited by political actors to achieve certain outcomes.²⁶

Possible Dilution of Direct Connection: As the reform reduced the number of direct mandates, some citizens may be concerned that this could weaken the connection between elected representatives and their constituencies. Fewer direct mandates might mean that fewer members of parliament have a strong connection to the voters in their specific districts. Directly elected representatives often have greater personal accountability to their constituencies because they were directly elected by voters. With fewer direct mandates, representatives could be less

²⁵ BVerfG-NVwZ 2009, 710. <https://beck-online.beck.de/Dokument?vpath=bibdata%2Fzeits%2Fnvwz%2F2009%2Fcont%2Fnvwz.2009.708.1.htm&pos=2&hlwords=on>

²⁶NJOZ 2023, 514- Ruttloff/Niemann/Misztl. <https://beck-online.beck.de/Dokument?vpath=bibdata%2Fzeits%2Fnjoz%2F2023%2Fcont%2Fnjoz.2023.512.1.htm&pos=1&hlwords=on>

responsive to the individual concerns of their constituents and instead focus more on party policy. With fewer direct mandates and a greater emphasis on party lists, political power could become more centralized, as party leadership could play a greater role in selecting and steering deputies.

Party Discontent: Some smaller parties may argue that the reform makes it harder for them to enter the Bundestag due to the increased complexity of the 5% threshold and seat distribution. This could lead to frustration and reduced political participation. The reform could thus hinder political competition. Smaller parties can often represent the interests and concerns of certain minority or niche groups of voters.²⁷ If these parties struggle to enter the Bundestag due to reform, certain groups of the population may be underrepresented. This could create a perception of discrimination. Due to the events of National Socialism in the past, the topic of prejudice is sensitive to Germany's unity and peace.

Potential Injustices: Injustices in seat distribution may persist even after the reform, particularly with regard to overhang and compensatory seats. Although the reform has tried to reduce the instances, it has not cut the roots yet. Inequalities may also arise over the distribution of the votes cast. Equal electoral rights may not be upheld under a system where certain votes have more weight than others. Unexpected consequences could happen even if certain injustices were addressed by the change. Other kinds of unfairness that are hard to foresee could arise as a result of the dynamics of the new system.

Long-Term Effects: The actual impact of the reform on Germany's political landscape will become clearer over time. The efficacy of government and the capacity to address urgent issues may be compromised if change eventually increases political division or lessens incentives for political compromise. Moreover, if the reform leads to certain parties gaining an excessive position of power in parliament in the long term, this could lead to a lack of political diversity. This could hinder political debate and the development of new political ideas. If voters' voices are not effectively represented or the system is working against their interests, they may become

²⁷ Deutscher Bundestag-Wissenschaftliche Dienste Negative Stimmgewichte und die Reform des Bundestags-Wahlrechts 2009-Daniel Lübbert, 4.1.2.2.
https://www.bundestag.de/resource/blob/190518/f16d723fc637f4161196fe42d1a2bdc5/negative_stimmgewichte-data.pdf

alienated from political participation over time. This could lead to lower voter turnout and political apathy.

It's crucial to remember that evaluating the benefits and drawbacks of changing the voting system frequently rely on one's political viewpoint and beliefs. While some may highlight the reform's shortcomings, others may see it as a move in the right direction toward enhancing representation and legislative stability. With time and more application of the revised election system, the actual consequences and viewpoints will become clear.

IV. What can be suggested to mitigate the effects of disadvantages?

Various projects and measures can be considered to reduce or mitigate the possible drawbacks of the 2023 Federal Election Law reform in Germany. There are some of the potential solutions with examples which we would like to introduce you.

Firstly, the communication between the government bodies and citizens should be clear. The government and political parties may use social media platforms to organize information campaigns to educate the public about the changes and specificities of the new electoral system. The political process should include the public actively, giving them the chance to provide suggestions and take part in debates on the electoral process. It is possible to create impartial monitoring organizations to guarantee just and impartial execution of the changes. Removing concerns about transparency would be a significant step toward boosting public trust in the new system.

The outcomes of the reform will become evident over time, as it was stated earlier. The state must ensure to take all necessary safeguards in the implementation of rule of law. Research organizations can be involved to monitor the reform's effects over time and make sure its goals are met. If unforeseen issues or injustices surface during the reform's implementation, the authorities must be willing to create rules and changes that will guarantee the election system's efficiency and fairness. These projects and measures can help address the challenges and potential drawbacks of the 2023 Federal Electoral Reform in Germany and increase public acceptance and confidence in the new electoral system.

V. Comparison with other countries' elective systems

The practice demonstrated that many nations have modified or adjusted their election systems over time in order to deal with different challenges. The reforms and systems can differ significantly between countries. A functional electoral system in one nation does not always imply that the same system can be effectively implemented in another, as the Venice Commission states on page 9, paragraph 32. The constitutional, legal and political traditions of the state, the party system and the territorial structure play an important role in the electoral system of a country.²⁸ This paper provides a few instances from other countries and contrast them with Germany.

France: France has modified its electoral system for the National Assembly to improve seat proportionality. Nowadays a mixed system of first-past-the-post constituencies is used which allows proportional representation for greater party diversity in parliament.²⁹

Canada: Canada has made changes to its electoral system to make it more equitable and proportional. It uses a system called "Mixed-Member Proportional Representation," which combines first-past-the-post constituencies with proportional representation.³⁰

New Zealand: New Zealand introduced a Mixed-Member Proportional (MMP) electoral system to enhance representativeness. Under this system, voters have two votes: one for a candidate in their electorate and one for a party list.^{31 32}

²⁸ Europa Ethnica Seite 40-56, Wahlrecht und Wahlsysteme. Stärken, Schwächen und Herausforderungen für eine beteiligte Demokratie, <https://www.nomos-elibrary.de/10.24989/0014-2492-2023-12/europa-ethnica-jahrgang-80-2023-heft-1-2?page=1>

²⁹ Deutscher Bundestag 2022-WD 3 - 3000 - 098/22, <https://www.bundestag.de/resource/blob/916904/ba61381d6f612d7160f79989da77d8fd/W-D-3-098-22-pdf-data.pdf>

³⁰ Heinrich Böll Stiftung 29. August 2019- Bastian Hermisson. <https://www.boell.de/de/2019/08/29/trudeaus-gebrochenes-versprechen-die-debatte-um-eine-wahlrechtsreform-kanada>

³¹ Political knowledge about electoral rules-Karp, Jeffrey
A..https://www.sciencedirect.com/science/article/pii/S0261379405001022?casa_token=xib5lkCfAe0AAAAA:9iQtgrW4uPi8lmL4SD3NVXxgxTEVjBsI4t7ORJi1YixpOpAwamB-zWeZ6Rd72mSl2LVZoZbiNMg

³² Zeitschrift für Parlamentsfragen . 2015, Vol. 46 Issue 3, p505-517. 13p.-Köhlher, Patrick, <https://web.s.ebscohost.com/abstract?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=03401758&AN=110913034&h=Jf6QZeKHnNYd5AELrr%2fqSxLTSIEJNFzZkQzGLwj15JmrC3nNujfFIK0xB5mFRPn75csukGj6F78kWjfkXxEWktw%3d%3d&crl=c&res>

As can be seen in the reforms in the other countries we have cited as examples, these reforms are often aimed at increasing representativeness, strengthening the legitimacy of political institutions and addressing specific challenges such as excess seats or distortions in the electoral system, as is the case in Germany.

D. ASSEDEL's comments on the Venice Commission's ruling

Further ASSEDEL offers its opinion on the Venice Commission's list of factors to take into account when selecting a new voting system, which is discussed on the Venice Commission's report page 9, paragraph 30. ASSEDEL agrees with the focus on the sovereignty of states in choosing their voting systems, as this is a fundamental principle of democracy. Each country has the right and responsibility to select an electoral system that aligns with its specific needs and political context. Stressing the need of upholding international human rights responsibilities is crucial, especially those that ensure everyone has the equal, free, and secret right to vote. One of the fundamental human rights protected by international agreements is the right to a free and fair election. It is essential to emphasize the equal suffrage concept because it guarantees that all people are treated similarly and have an equal chance to participate in political processes, irrespective of their gender, ethnicity, religion, or other traits. In this sense, the selection of an electoral system in Germany and other nations need to be based on guaranteeing the maintenance of the equal suffrage principle and the fair distribution of voting and political involvement chances among all citizens.

Apart from the aspects that we concur with the Venice Commission report released on June 12, 2023, the paper calls attention to the aspects that are lacking. There is the need for more extensive and wide-range reporting on the benefits and drawbacks of the reform since voters might find it more helpful to analyse and assess the electoral system from various perspectives. Although the electoral systems differ depending on the country and internal affairs, it is crucial to research comparable electoral changes in other European nations so to exchange best practices. Considering this, ASSEDEL suggests that the comprehensibility of report can be increased by including additional instances and comparisons.

I. Has the principle of equal voting rights been undermined?

The principle of electoral equality is an important part of a democratic society, ensuring that every citizen possesses an equal right to vote, and each vote carries the same weight. The critical examination of whether certain individuals or groups are excluded from political participation, whether the differences created by a particular electoral system can be considered arbitrary or abusive, or whether the system tends to favor political parties or candidates by giving them electoral advantages at the expense of others are essential considerations at both the international and national levels. In alignment with universal human rights principles, we concur with the observations and objective evaluation of this issue as outlined by Venice Commission. The submission of a report allows for an independent and objective review of the proposed electoral law reform by experts who have no direct interests in national politics. ASSEDEL would like to address two points the Venice Commission has also addressed. First, the amendment clearly fulfils this requirement, as it provides each voter with two ballots. The fact that second votes in certain constituencies may not contribute to seat allocation does not contradict this principle; it merely exemplifies the concept of 'wasted votes'. This concept, as acknowledged by the European Court of Human Rights, is an inherent aspect of any electoral system and cannot be entirely avoided. In summary, the amendment, despite potentially reducing the likelihood of certain candidates' successful election, remains consistent with the principle of equal suffrage.

II. What positive effects might the Venice Commission's report consider?

The paper briefly mentions some of the areas where Venice report have positive influence. Respect for international human rights norms, especially those pertaining to the election process, is a priority for the Venice Commission. A report can evaluate how change affects these requirements and offer suggestions for ensuring their observance. The Venice Commission oversees adherence to international human rights norms, encompassing election rights. A report can evaluate how the change affects these requirements and offer suggestions for how to make sure they are upheld. The legitimacy of the reform process can be enhanced by the opinion and report of an international human rights group, such the Venice Commission. They offer third-party confirmation of the worries and suggestions expressed by civil society and human rights advocates within a nation. The publication of a report can increase pressure on the government and legislators to ensure that reform meets international human rights

standards, which promotes government accountability. The Venice Commission's activity allows the exchange of best practices among countries in the field of electoral law and democracy.

III. The significance of ASSEDEL's expressing opinion

As it was mentioned in the introduction, the European Association for the Defense of Rights and Freedoms, in its role as external observer, believes that it is crucial to put forward our views and to evaluate objective discourse in general and in particular, in order to bring a different approach to the issue both in international and national levels. As an organization advocating and protecting human rights, we are crucial in keeping an eye out for and recording abuses of human rights around the globe to bring attention and increase awareness of any legal infractions. Primarily for that reason, ASSEDEL has approached various international organizations regarding human rights breaches in six different countries to date. As a human rights organization, ASSEDEL believes that this report, like our other contributions, may garner international notice. This could lead to other countries, international organizations and the global community to become aware of the problem and possibly take appropriate action.