

## POSSIBLE ELECTORAL SYSTEMS IN A DEMOCRATIC CUBA

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On February 3, 2013, the people of Cuba traversed to their local polling stations to vote in the country's parliamentary election.<sup>1</sup> A total of 7,877,906 voters, or 91.27%, of Cuba's eligible 8,631,836 voters took to the polls.<sup>2</sup> The *Asemblea Nacional del Poder Popular* (National Assembly of the People's Power, hereinafter "National Assembly"), comprised of 612 seats, elected 299 women, or 48.9% of its total seats, the largest in the country's history.<sup>3</sup> Yet despite these electoral results, Cuba's parliamentary electoral system defers from the norm found in most countries around the world, especially when compared to those found in western democracies. For example, the National Assembly election featured 612 candidates for 612 seats.<sup>4</sup> All of the deputies elected to the National Assembly are members of the Cuban Communist Party (hereinafter "PCC").<sup>5</sup>

The Cuban Constitution declares the PCC as the "superior leading force of society and the State, organizing and guiding the common efforts aimed at the

highest goals of the construction of socialism and advancement toward the communist society."<sup>6</sup> Moreover, through a 2002 referendum, the Constitution declared socialism as irrevocable.<sup>7</sup> While some opposition political parties exist in Cuba, the institutionalization of the PCC prevents opposition parties from having any power or say in the country's direction. According to the Committee to Protect Journalists, Cuba ranked as the ninth most censored country in the world due to the government's arbitrary detentions of critical journalists and due to the stringent control of the news and entertainment media in the hands of the PCC.<sup>8</sup> All of these limitations and restrictions affect the country's electoral process.

Despite the continuing authoritarian bent of the communist-controlled government, the international media has thoroughly documented the economic and social changes taking place in Cuba.<sup>9</sup> For instance, the Cuban government downsized the number of state workers and allowed Cubans to engage in the

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1. See Frank, Marc. "Amid domestic change, Cubans march to the polls." *Reuters*. February 3, 2013. <http://www.reuters.com/article/2013/02/03/us-cuba-election-idUSBRE9120CL20130203> Accessed on July 25, 2013.

2. See "General Information about the Parliamentary Chamber," <http://www.ipu.org/parline-e/reports/2079.htm>. Accessed on August 15, 2013.

3. *Id.*

4. *Id.*

5. "Last Elections," [http://www.ipu.org/parline/reports/2079\\_E.htm](http://www.ipu.org/parline/reports/2079_E.htm). Accessed on August 15, 2013.

6. Constitution of the Republic of Cuba, Ch. 1, Art 5. [http://www.cubanet.org/ref/dis/const\\_92\\_e.htm](http://www.cubanet.org/ref/dis/const_92_e.htm). Accessed on July 31, 2013.

7. *Id.* at Ch. 1, Art. 3.

8. Cuba Key Developments. <http://www.cpj.org/2013/02/attacks-on-the-press-in-2012-cuba.php>.

9. Accessed on August 22, 2013. See Sweig, Julia, E & Michael J. Bustamante. "Cuba After Communism," *Foreign Affairs*, July/August 2013, <http://www.foreignaffairs.com/articles/139458/julia-e-sweig-and-michael-j-bustamante/cuba-after-communism> Accessed on July 17, 2013.

private market with restrictions.<sup>10</sup> Also, the Cuban government allowed its citizens to buy and sell real property in the island with restrictions.<sup>11</sup> Further, the Cuban government loosened many of the restrictions that made it very difficult for Cubans to travel around the world.<sup>12</sup> All these changes, while gradual and minor, have further led many scholars, politicians and journalists to discuss and debate the possible future passing of Cuba's Marxist-Leninist system and the country's political and economic future.<sup>13</sup> If Cuban constitutional designers and political leaders are serious about changing the political and economic system in the island, then changing the Cuban Constitution and the country's laws to reflect the proposed political and/or economic system is not enough; Cubans must also consider what electoral system will allow their political, economic and social aspirations to become reality.

Why should Cubans think about their future electoral system with the same level of discourse, education and thought as applied to formulating the country's future political and economic systems? Because the electoral system helps determine the type of political and economic structures that runs a country. In essence, the electoral system, along with the government, civil society, economic system, etc., is part of a living organism that determines the political, social and cultural norms of society; therefore, it cannot be viewed in isolation. An effective electoral system views the framework of a country's political institutions as part of an organism. A change in one part of the organism means that the organism changes as a whole. Changes made to an electoral system require all of the political institutions to adjust to make the

entire system work, and because political institutions shape the rule of law for democratic countries, choosing an electoral system to compliment the chosen political structure becomes vital to the sustainability of the chosen system.

Electoral systems also help legitimize the public's support and perception of a given country's political institutions. Governments want stability and broad support. If citizens feel locked out of the political process, then the government loses its legitimacy. Electoral systems help create the public's perceptions of what constitutes fairness in the political process. For example, assume that in a national election candidate A received 35% of the vote, candidate B received 33% of the vote, and candidate C received 32% of the vote. In one type of electoral system, candidate A will win giving the candidate or his/her party control of the entire government. In another type of electoral system, candidates B and C may join forces and create a coalition government. These different results help determine people's perceptions and support of a given political system. Electoral systems manufacture different results. These results can lead to the formation of more, or fewer, political parties. It may cause opposition parties to boycott elections altogether and work outside of the system to gain power. It may cause minorities, the underprivileged and majorities to feel left out of the process.

Choosing the "right" electoral system requires its electoral designers to prioritize the criteria deemed most important to the creation or continuation of a given political framework. Designers choose electoral systems based on what type of political system the country wants to achieve and avoid, and what type of

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10. See Peters, Philip. "Cuba's Entrepreneurs: Foundation of a New Private Sector," *Lexington Institute* July 2012 [http://www.lexingtoninstitute.org/library/resources/documents/Cuba/Research\\_Products/CubaEntrepreneurs.pdf](http://www.lexingtoninstitute.org/library/resources/documents/Cuba/Research_Products/CubaEntrepreneurs.pdf) Accessed on August 25, 2013; see also "List of 178 private-sector jobs," *The Huffington Post*, <http://www.huffingtonpost.com/huff-wires/20110130/cb-cuba-year-of-change-sidebar/> Accessed on August 25, 2013.

11. <http://world.time.com/2013/07/24/as-communist-cuba-slowly-reforms-capitalism-takes-hold-of-its-real-estate-market/>.

12. See Gupta, Girish. "As Communist Cuba Reforms, Capitalism Slowly Takes Hold of Its Real Estate Market," *Time*, July 24, 2013, <http://world.time.com/2013/07/24/as-communist-cuba-slowly-reforms-capitalism-takes-hold-of-its-real-estate-market/#ixzz2et-WOoMoP> Accessed on August 28, 2013.

13. See González Mederos, Lenier. "From collision to covenant: challenged faced by Cuba's future leaders," *Cuba Study Group*, August 19, 2013 [http://www.cubastudygroup.org/index.cfm/files/serve?File\\_id=95fa6dbd-bf6a-42e6-a9a5-744cc25152fb](http://www.cubastudygroup.org/index.cfm/files/serve?File_id=95fa6dbd-bf6a-42e6-a9a5-744cc25152fb) Accessed on September 3, 2013.

executive and legislative government it wants to create. Among the many issues that electoral system designers take into account include providing representation, accessibility, incentives for compromise, stability and efficiency, accountability, number of political parties, competition, sustainability, international standards, etc.<sup>14</sup> Sometimes these wants run counter to each other, making the process of designing the “right” electoral system difficult.

The purpose of this paper is to encourage more research and discussion among Cuban scholars, leaders, political elites, reformers and the Cuban public about Cuba’s future electoral system with the same passion and attention paid to other political and economic issues. This paper does not pretend to have all of the solutions, and does not discuss the administrative tasks of elections (e.g., polling places, voter registration, etc.) even if they are vital to the execution of the electoral process. The paper describes the existing electoral system in Cuba; some of the many electoral systems that exist around the world; and some of the current issues and challenges Cuba faces today that requires awareness when designing an electoral system.

### CUBA’S CURRENT ELECTORAL SYSTEM

Articles 131 through 136 of the current Cuban Constitution and the Electoral Law of 1992 (Ley No. 72) set out Cuba’s current electoral system. The Electoral

Law of 1992 covers national and local elections and referendums.<sup>15</sup> Cuban citizens who are eligible to vote elect delegates to the municipal and provincial assemblies and deputies to the National Assembly.<sup>16</sup> Political parties, including the PCC, cannot participate in the direct nomination of candidates.<sup>17</sup> A candidate must receive 50% of the vote to win a seat in any of the assemblies.<sup>18</sup> If all candidates fail to reach an absolute majority in the first round of any given election, then another round is held until a candidate receives an absolute majority.<sup>19</sup> In municipal assembly elections, a minimum of two candidates, and a maximum of eight candidates, must run in each municipal ward (*circunscripción*).<sup>20</sup> The Electoral Law of 1992 requires municipal elections to be held every two-and-a-half years.<sup>21</sup> Candidates are selected by individuals in a gathering held at their respective municipal wards.<sup>22</sup> The Electoral Law of 1992 requires candidates to reside in their municipal wards to qualify for nomination.<sup>23</sup> The law prohibits financial contributions in elections, candidate debates and campaigning with the exception of posting biographies and images of candidates in public places.<sup>24</sup>

Cuba’s electoral system allows eligible voters to vote for delegates in provincial assemblies and deputies to the National Assembly, but the selection process is more restrictive (i.e., candidates are selected by mass organizations that are recognized by the PCC and by

14. Andrew Reynolds, Ben Reilly & Andrew Ellis, eds., *Electoral System Design: The New International IDEA Handbook* (International Institute for Democracy and Electoral Assistance, 2008), pp. 9–15.

15. See Ley No. 72 [hereinafter Law No. 72].

16. *Id.* at art. 2.

17. Cuba is officially a one-party state. While certain opposition political parties exist in the island, only the PCC receives recognition as the only legitimate political party; therefore, these opposition parties have no power in the government or say in the direction of the country.

18. Law No. 72, art. 132.

19. *Id.*

20. *Id.* at arts. 78, 82; see Roman, Peter. “Electing Cuba’s National Assembly Deputies: Proposals, Selections, Nominations, and Campaigns,” *European Review of Latin American and Caribbean Studies*, April 2007, 69–87, 69.

21. Law No. 72, art. 11.

22. Note that due to the institutionalization of the PCC in Cuban society, and the irrevocability of the socialist system as engraved in Cuba’s Constitution, a candidate opposing the socialist system or current government, or proposing an alternative to the socialism will not receive a nomination. See Roman, at 84.

23. Law No. 72, art. 78.

24. *Id.* at art. 171.

national nominating commissions; individuals who are not in these organizations and/or commissions cannot choose candidates) and the elections, while direct, are not competitive.<sup>25</sup> However, similar to the municipal election process, a candidate must receive an absolute majority of the vote to gain a seat.<sup>26</sup> The Electoral Law of 1992 requires that at least, and not more than, 50% of the candidates selected to run as deputies in the National Assembly and as delegates in the provisional assemblies must be composed of delegates from the municipal assemblies.<sup>27</sup> These candidates are known as *de base*.<sup>28</sup> The rest of the candidates are known as *directos*. These candidates are not required to live in the municipalities they represent and generally consist of people that belong to different sectors in society (e.g., women, youth, teachers, farmers, doctors, etc.)<sup>29</sup> Voters have the option to vote for these candidates individually or as a whole in a process called *voto unido* (united vote).<sup>30</sup> The united vote method allows Cuban voters the opportunity to select the whole slate of candidates selected by government-recognized mass organizations and national nominating committees.<sup>31</sup> The government rationalizes the united vote approach as “democratic” because the process of selecting these candidates through the consultation of mass organizations and committees creates consensus; moreover, the candidates selected are deemed as qualified and are members that represent all sectors (e.g., farmers, teachers,

doctors, etc.) and groups (e.g., women, Afro-Cubans, and other minorities) in the country that may never get a chance to hold an elected position in western-styled democratic elections that consist of open candidacies and competitive elections.<sup>32</sup> Cuban government officials believe that this form of selection creates a more representative class of elected officials than what is found in western democracies.<sup>33</sup>

Cuba’s national legislative system is solely composed of the National Assembly, defining Cuba’s national legislative government as unicameral.<sup>34</sup> The National Assembly elects the Council of State, which consists of the President, the First Vice President, five Vice Presidents, a Secretary and twenty-three other members, and Council of Ministers, which consists of the executive cabinet.<sup>35</sup> Therefore, the people do not vote for members in the executive branch.

## ELECTORAL SYSTEMS AROUND THE WORLD

The Institute for Democracy and Electoral Assistance (IDEA) separates electoral systems into four groups: plurality/majority, mixed, proportional representation, and other.<sup>36</sup> The plurality/majority system comprises different electoral models that include: “first past the post,” two-round system, alternative voting, block vote, and party block vote.<sup>37</sup> The proportional representation system comprises list proportional

25. “General Information about the Parliamentary Chamber,” *op cit.*

26. Roman, at 70.

27. *Id.* at art. 87.

28. Roman, at 70.

29. *Id.*

30. *Id.* at 70.

31. *Id.* at 70.

32. *Id.* at 83.

33. *Id.*

34. “Cuba,” *ACE Project*, <http://aceproject.org/regions-en/countries-and-territories/CU/CDCountry?Country=CU>, Accessed on July 30, 2013.

35. *Id.*

36. Reynolds, *et al*, p. 28.

37. *Id.*

representation and single transferable vote.<sup>38</sup> The mixed system includes the parallel system and the mixed member proportional system.<sup>39</sup> Other systems, i.e., those that do not fall neatly into the previous three categories, include the single-non-transferable vote, limited vote, and the Borda count. These systems are briefly described below.

### **Plurality/Majority System**

The plurality/majority system declares the candidate with the most votes as the victor. However, as mentioned above, there are several variations used under this system. The plurality/majority system usually, but not always, features single-member districts.<sup>40</sup>

**First Past the Post (FPTP):** Under FPTP, the candidate with the most votes wins the election.<sup>41</sup> The system relies on single-member districts and voting for only one candidate.<sup>42</sup> English-speaking regions generally use this system, including the United States.<sup>43</sup> The advantages of using this system include simplicity (i.e., easy to use and understand); resulting in “clear-cut” choice for voters; creating a two-party system; creating a single-party government and a unified opposition; excluding extremist parties and encouraging center-based parties (e.g., right-of-center and left-of-center parties); forging links between representatives and constituents defined by geographical boundaries; and allowing voters to choose popular candidates over parties.<sup>44</sup> The disadvantages of using

the system include the possible exclusion of racial, ethnic, gender, political minorities (e.g., small percentage of women in the legislature, a political party that obtained 40% of the vote may receive no power in the government, etc.); may develop political parties based on regional, racial or ethnic identity; creates “wasted” votes; creates vote-splitting; unresponsiveness to changes in public opinion; and dependence on drawing electoral boundaries.<sup>45</sup>

**Block Vote (BV):** The BV model shares most of the characteristics of FPTP except that BV uses plurality voting in multi-member districts.<sup>46</sup> This system provides the voters with as many votes as seats contested in their district.<sup>47</sup> Most BV systems allow voters to vote for individuals regardless of political affiliation and also to vote for as many as one or all of the available seats.<sup>48</sup> Advantages to the BV system include the ability to vote for individual candidates, larger geographical districts, and an increased role of political parties.<sup>49</sup> Disadvantages include the disproportionate impact felt when voters vote straight party ticket.<sup>50</sup> Such disproportionality has led many countries to abandon the BV system.<sup>51</sup>

**Party Block Vote (PBV):** The PBV model allows voters to cast only one ballot and choose a political party’s slate of candidates.<sup>52</sup> The political party with the most votes wins the election, even if the party does not obtain an absolute majority of the vote (i.e., over 50% of the vote), and all the candidates in the

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38. *Id.*

39. *Id.* at 29.

40. *Id.* at 28.

41. *Id.* At 35.

42. *Id.*

43. *Id.*

44. *Id.* at 36–37.

45. *Id.* at 37, 43.

46. *Id.* at 44.

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.* at 47.

winning slate are elected.<sup>53</sup> Advantages to using PBV include the formation of strong parties, ability of parties to select a diverse representation of candidates to obtain broader support and more votes (e.g., selecting minorities in the list to obtain the minority vote), and simplicity.<sup>54</sup> Disadvantages to using PBV include the same problems as using FPTP in that it creates disproportionate results.<sup>55</sup>

**Alternative Vote (AV):** Like the FPTP model, the AV model, also known as preferential voting, generally operates in single-member districts.<sup>56</sup> The AV model works by allowing voters to rank their preference of candidates in numerical order (e.g., the preferred candidate gets the first slot, the second preferred candidate gets the second slot, etc.).<sup>57</sup> If a single candidate fails to capture an absolute majority of the vote (i.e., over 50% of the vote), then the ballots are counted by eliminating the candidate with the lowest number of first preferences, and then the secondary choices of the ballots in which the candidate with the lowest number of first preferences are counted.<sup>58</sup> The process continues until a candidate receives the majority of votes.<sup>59</sup> The AV model is considered part of the majoritarian system.<sup>60</sup> Advantages to using the AV model include forcing political candidates to establish broad coalitions and moderate its views to the center.<sup>61</sup> The model encourages candidates to also vote for the secondary preference slot as much as the

first.<sup>62</sup> Disadvantages to the model include that such model may prove too complex for the typical voter to understand, and like other majority/proportionality models, the results can create disproportionality.<sup>63</sup>

**Two-Round System (TRS):** The TRS model follows the FPTP model except that another round of voting a few days or more after the first round is complete may be conducted.<sup>64</sup> The TRS model consists of different variations, the majority run-off application being the most common.<sup>65</sup> The majority run-off model requires that a candidate or party win the absolute majority of the electoral vote. Generally, if a candidate or party wins the first round with an absolute majority of the vote (i.e., more than 50% of the vote), then a second round vote is not necessary. However, if the first round only produces a plurality, then the two candidates or parties with the most votes advance to the second round. France uses this form of TRS in its presidential elections.<sup>66</sup> Another method of TRS used by some countries, including France for its legislative elections, is the majority-plurality TRS.<sup>67</sup> Candidates or parties that receive a certain percentage of the vote move on to the second round. The candidate that obtains the most votes in the second round wins, even if he/she obtained only a plurality of the vote. The advantages of using the TRS model include allowing voters a second chance to choose a candidate; possibly encourages candidates

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53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.* at 47–48.

57. Note that it is not required for the voter to actually fill the list with different names. The voter can just vote for one candidate and not list others. *See Id.* at 49.

58. *Id.* at 48.

59. *Id.*

60. *Id.*

61. *Id.* at 49.

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

to bargain with other candidates to obtain their support in the second round; reduces the vote-splitting effect; and it is easier to understand than the AV model.<sup>68</sup> The disadvantages of using the TRS model include the costs and administration of having to put together two rounds of voting; the burden on voters to vote again; can create more disproportion than FPTP; and has caused problems in politically divided societies.<sup>69</sup>

### **Proportional Representation (PR) System**

The PR system attempts to create representation in the legislature that mirrors the percentage of votes casted for political parties.<sup>70</sup> This system requires the use of multi-member electoral districts.<sup>71</sup> The PR system works best when a given district or province run more representatives, leading to greater representation.<sup>72</sup> The types of models within PR include List PR and Single Transferable Vote (STV). Advantages to the PR system include better representation of the public's beliefs; fewer "wasted" votes; election of minority parties; encourages all parties to campaign all over the district, province or country; encourages coalition governments; and prevents disproportionate influence of a party in a province or district.<sup>73</sup> Disadvantages to the PR system include gridlock created by coalition governments; potential for fragmenting

political parties; serve as a platform for extremist parties; give small parties a disproportionate amount of power; difficult to remove larger parties from coalition government leading to less accountability; and creates a more complex system that may be hard for some voters to understand.<sup>74</sup> Countries in Latin America, Africa and Europe use variations of PR.<sup>75</sup>

**List PR:** The List PR model generally involves the use of ballots where political parties present a list of its candidates in a multi-member electoral district.<sup>76</sup> Votes for the party can translate to seats for the party in the legislature.<sup>77</sup> However, List PR contains different variations. For starters, various formulas are used to determine when a party receives a seat. Some models use a certain percentage threshold that may prevent a party from taking any seats (e.g., if a political party receives less than 5% of the share of the popular vote, then the party receives zero seats), while others do not have such limitation (e.g., a party receives 1.6% of the vote and receives a seat).<sup>78</sup> Also, List PR models can consist of closed, open or free. This means that in certain models, voters can choose the individual candidates on a list, while in others they cannot.<sup>79</sup> The advantages to List PR include that more racial, ethnic minorities and women get elected.<sup>80</sup> Disadvantages to List PR include weak links be-

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68. *Id.* at 53.

69. *Id.*

70. *Id.* at 57.

71. *Id.*

72. *Id.*

73. *Id.* at 57–58.

74. *Id.* at 58–59.

75. *Id.* at 57.

76. *Id.* at 60.

77. *Id.*

78. *Id.*

79. *Id.*

80. *Id.* at 60–61.

tween the legislature and its constituents, and political party power and corruption in the senior party leadership.<sup>81</sup>

**Single Transferrable Vote (STV):** The STV model follows the AV model and is generally used for legislative elections.<sup>82</sup> The STV model uses multi-member districts and voters rank candidates in order of their preference. A formula determines the quota required for a candidate to gain a seat.<sup>83</sup> Advantages to using the STV model include more proportionality, encourages coalition building; and encourages the election of a popular independent candidate.<sup>84</sup> Disadvantages to the STV model include complexity; can produce fragmentation of political parties; can lead a party with higher percentage of votes than another to retain fewer seats.<sup>85</sup>

### Mixed Systems

The mixed systems combine attributes from both the plurality/majority system and the PR system. The mixed systems consist of two forms: mixed member proportional and parallel.

**Mixed Member Proportional (MMP):** The MMP model attempts to remove the disproportional effects found in the plurality/majority system.<sup>86</sup> This model uses both the plurality/majority system and the PR system in the same election.<sup>87</sup> Parties that gain zero seats in the legislature but receive a certain percentage of votes are awarded legislative seats based on percentages of the popular vote. For example, if a

party wins 10% of the popular vote and receives zero seats, then the PR lists give the party 10% of its representation in the legislature.<sup>88</sup> The advantages of using this system include having legislators accountable to its constituency and creating more proportionality.<sup>89</sup> The disadvantages to implementing the MMP model include having one group of legislators accountable to its constituency while the others are more accountable to the party; strategic voting in which the party may dissuade voters from voting for candidates from its party to preserve the senior party officials seats; and sometimes the disproportionalities of some single-districts is so great as to render the PR List vote ineffective.<sup>90</sup>

**Parallel System:** The parallel system shares the same characteristics as the MMP model except that the plurality/majority system and the PR List system are not linked together.<sup>91</sup> This effectively creates two systems for two different votes: one vote elects candidates using the plurality/majority system, while the other vote elects parties using the PR system.<sup>92</sup> The advantages of using the parallel system are nearly identical to the MMP model.<sup>93</sup> The disadvantages to the parallel system include complexity and no guarantee of proportionality.<sup>94</sup>

### Other Systems

**Single Non-Transferable Vote (SNTV):** The SNTV model works when an electoral district contains multiple candidates and uses the plurality/majority sys-

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81. *Id.* at 71.

82. *Id.*

83. *Id.* at 71, 76.

84. *Id.* at 76.

85. *Id.*

86. *Id.* at 91.

87. *Id.*

88. *Id.*

89. *Id.* at 95.

90. *Id.*

91. *Id.* at 104.

92. *Id.*

93. *Id.* at 112.

94. *Id.*

tem framework.<sup>95</sup> The voter casts his/her ballot for only one candidate in multiple-member district.<sup>96</sup> The candidates win a seat depending on the amount of seats and percentages they receive in the election. For example, if a candidate receives 20% of the vote in a five-member district, the candidate will earn a seat.<sup>97</sup> The advantages of SNTV include giving a greater chance for a popular candidate or a minority party to gain legislative seats (e.g., this can help especially in countries where a major party has a strong foothold).<sup>98</sup> This model also fortifies the power of political parties encouraging them to organize more effectively and voting population can understand the system.<sup>99</sup> The system contains many disadvantages as well including hurting parties whose votes are widely dispersed creating disproportional representation (unless the amount of seats in each district is increased); may fragment parties because candidates of the same party will compete against each other; and reduces accountability between the parties and its constituents.<sup>100</sup>

**Limited Vote (LV):** The LV model contains similarities to the SNTV model except that the voter has more than one vote, but generally less than the number of seats available (e.g., 5-member district but only the selection of up to 4 candidates).<sup>101</sup> The advantages and disadvantages to the LV system are the same as SNTV but with the added disadvantage that it may increase disproportionality.<sup>102</sup>

**Borda Count (BC):** The BC model is only used in the country of Nauru and consists of AV model style voting except that rather than eliminate candidates for not receiving the most first-preference votes, this

model gives value to each candidate based on rank on a given ballot (e.g., the first-place candidate receives one point, the second-place candidate receives half a point, etc.).<sup>103</sup> The candidate(s) with the most points obtains a seat. This model can be used in both single-member districts and multi-member districts.<sup>104</sup>

Based on the different types of electoral models explained above, Cuba's current electoral model at the municipal, provincial and national level falls under the TRS model.

## THE CUBA OF TODAY

Cuban electoral designers must take into account the country's current political and economic reality when designing the country's future election system. The Cuban Constitution recognizes the CCP as the only legitimate political party in the country, which places opposition political parties in an inferior position to compete in elections; moreover, the Cuban Constitution prevents other forms of political, economic and social systems outside of socialism from ever replacing the country's current governmental system, which limits its citizens options to seek alternatives. The Cuban government's repressive policies against political dissidents and its opposition to the right to allow its citizens to speak freely and assemble prevent the country from forming a true and robust civil society. The Roman Catholic Church serves as the strongest independent institution in the country given that the government apparatus has severely limited the growth and power of other institutions; however, only five percent (5%) of the population

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95. *Id.* at 113.

96. *Id.*

97. *Id.*

98. *Id.*

99. *Id.*

100. *Id.* at 117.

101. *Id.*

102. *Id.*

103. *Id.* at 118.

104. *Id.*

actively participate in the Church.<sup>105</sup> Also, due to the government's totalitarian control of the country's social institutions, all of the unions and mass organizations are strongly influenced by the ruling party, which further gives the PCC a larger advantage in future multi-party electoral elections since all the other opposing parties are small and fragmented.

Other issues that electoral designers must take into consideration include the current electoral system in Cuba. The Cuban public understands the two-round system. Completely changing the electoral system into something that radically defers from the current system can prove detrimental to the legitimacy of the future electoral system. Moreover, the concept of money, open candidacies and politicking are alien to the Cuban public. The Cuban public will require education so as to understand these concepts and learn how to manage them. Cubans should more or less have an understanding of competitive elections given the relative competition, at least in concept, that exists in municipal assembly elections. Also, the Cuban electoral districts are composed of single-member districts. Electoral designers should consider these characteristics when designing an electoral system so as to know what the Cuban public seeks and understands.

In order to create an electoral system that meets the international standards of a democratic society that embraces competitive elections, plurality, representation, accountability, transparency, and stability, the new Cuban political, social and economic structure must allow other ideologies to compete with socialism. The Constitution's irrevocability of socialism clause and the legitimization of the one-party state to allow for free and fair elections that embrace pluralism and the people's will must be amended. The Cuban government must also remove its repressive policies against those who dissent from its current government, and must constitutionalize and codify

the rights and freedoms to speak freely and assemble. Such a move will ensure and encourage the creation of a robust and pluralistic civil society that will better represent the people's will. The government must also respect and follow the rule of law. No political party, ideology, group of people or individual should place themselves above the law. Doing so will allow the electoral system to produce free, fair and competitive elections.

## CONCLUSION

The Cuban people should and must select the political, economic and social system that will determine the fate of its country without interference from the outside. However, in choosing a system, the people of Cuba must also consider the type of electoral system that will allow the country to fulfill the aspirations of her people. An electoral system that embraces flexibility, stability, plurality, competition, representation and consensus, while implementing laws that ensure certain rights and rules that do not interfere with an individual's autonomy to make a choice free of any governmental or societal constraints, may serve as the best chance for the Cuban people to have a true democracy.

Arriving to such a system requires a tremendous amount of research, experiment and compromise. As has been shown above, each electoral system has its pros and cons, strengths and weaknesses, and cultural and societal norms may yield results that vary from one country to another. However, while there is no such thing as the perfect electoral system, a country must consider the electoral system while considering the type of political, social and economic systems it wants. An electoral system inhabits the same organism as the political, economic and social systems. Failure to tend one part of the organism means failing to attend to the whole.

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105. Like many former and current communist-ruled countries, Cuba severely hindered the power of the Catholic Church by expropriating all Catholic-owned schools and declaring itself as an atheist country for about three decades, although it has officially considered itself a secular country for the past two decades. See Carroll, Rory & Jo Tuckman. "Pope hopes to revive Catholicism in Cuba during the first papal visit in 14 years," *The Guardian*, March 25, 2012, <http://www.theguardian.com/world/2012/mar/25/pope-criticises-marxism-cuba-visit>, August 15, 2013.