

# Reforming Israel's Political System: Recommendations and Action Plan



Save Israeli  
**Democracy**

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THE ISRAEL  
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# Reforming Israel's Political System: Recommendations and Action Plan



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Democracy

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# The Forum for Political Reform



Photo: Flash 90

## Justice Meir Shamgar

President Emeritus of the Supreme Court of Israel  
Chairman of the Forum for Political Reform

The decision to reexamine the electoral system and the system of government in Israel is a welcome one. Here I would echo the sentiments expressed by the eminent political scientist Robert Alan Dahl in his book *On Democracy*. With reference to Thomas Jefferson—whose views were more radical than those held by Dahl himself—Dahl wrote that it was certainly appropriate for political scientists, jurists, and public figures to meet once every two decades to evaluate whether their system of government was serving its stated objectives.

In my opinion, we must refrain from haste when we sit down to discuss the government and governance of the State of Israel. Even in ordinary times—and these are no ordinary times—it is fortunate that a forum meets to reconsider long-standing and widely held principles. Often, these ideas have become so entrenched that people find it difficult to even contemplate another point of view. It is therefore important that they be examined constructively and intelligently, and in a congenial and relaxed atmosphere.

Given that we have a governing framework in place, the subject itself demands care and consideration. The Speaker of the Knesset brought up a point that we must bear in mind: In the recent past, we were sorely disappointed by a course of action that was the product of rash thinking and the mistaken idea that we could find an instant solution to a problem that had been on the table for decades. I am referring, of course, to the direct election of the prime minister, a reform that was later repealed.

This Forum is dedicated to the idea that the system of government best suited to the State of Israel is a parliamentary democracy. That said, a parliamentary democracy is not necessarily a perfect system of government. We have taken it upon ourselves to identify and rectify its shortcomings, should we see reason to do so, operating in a cautious and prudent manner.

I am leery of change for change's sake, rather than change that is based on the conviction that the proposed alternative is superior to the status quo. We should engage in careful, thoughtful discussions until we have been convinced of the merits of a certain course of action. We will

proceed cautiously, step by step, in a manner which perhaps is not characteristic of Israelis, but is in keeping with the gravity of the challenges at hand.

I believe that the mechanism we chose will enable us to decide what should be changed and how this should be accomplished. The Forum will discuss the topics brought before it by a panel of experts, who will prepare comparative materials and provide alternatives for us to consider. It goes without saying that we must tread carefully when the discussion has to do with comparisons, replications, or imitations of a system in use elsewhere, even when that system works well. As the English set out in Article 46 of the Order of Council, the laws should be appropriate for the conditions of the country and the character of its residents. Something perfectly suited to Scandinavia, for example, may be totally inappropriate when replicated in our Middle East, where problems are solved and resolved differently.

**... a parliamentary democracy is not necessarily a perfect system of government, and we have taken it upon ourselves to identify and rectify its shortcomings, should we see reason to do so ...**

This does not mean that we should disregard the comparative angle when studying the materials prepared by the relevant committees. I am in favor of this type of comparison, provided that we are able to discriminate between what is important and what is not, and that we focus not only on whether something "works" in a certain country but also on whether it would be appropriate for our environment.

This is a broad topic, and I do not see a simple solution, but I do think that we can set our sights on arriving at a solution by means of comparative research and pinpointing the weaknesses in our system. It is difficult to repair things that have broken, and we could argue that "if it isn't broken, don't fix it." We will study the situation and no doubt draw the correct conclusions.

I would call upon us all to summon the courage to tackle those subjects that require our attention. We will evaluate, analyze, compare, and finally formulate proposals worthy of consideration by the Knesset, the body authorized to legislate for the State of Israel.

**These remarks were delivered at the opening meeting of the Forum for Political Reform in Israel.**

**Herzliya, October 25, 2009**



## Dr. Arik Carmon

President of the Israel Democracy Institute

The system of government in Israel is under attack. We do not have any constitutional safeguards against attempts to undermine Israel's parliamentary system, a form of government shared by most mature democracies. The large parties have shrunk, severely compromising the ability of the government to formulate and execute policy.

Unfortunately, the 1992 innovation of direct elections succeeded in destroying critical parts of the institutional infrastructure that had functioned successfully for five decades. Even after its successful repeal in 2003, the damage wrought by the two ballot system is still with us. Direct elections of the prime minister shattered the large parties, bolstered small sectoral parties, gave rise to the politics of personalities, and sent shock waves through the institutions of parliamentary democracy.

Today when people in Israel speak about "reform of the political system," some endorse the idea of instituting a presidential system. This creates an impression of impatience—the archenemy of the democratic tradition—and perhaps reflects the true designs of its proponents, who talk about guaranteeing the stability of Israeli democracy but think about the upcoming elections. This comes against the background of a steady decline in public trust in democratic institutions in general, and specifically in political institutions.

We have embarked on a campaign to save parliamentary democracy in Israel. In the autumn of 2009, we established a distinguished forum under the stewardship of Justice Meir Shamgar, President Emeritus of the Supreme Court of Israel. The members of the Forum for Political Reform include former ministers and MKs, retired judges, experts in relevant fields, and public figures.

In addition to the Forum for Political Reform, the Israel Democracy Institute (IDI), also established a ten-member research group. In the past year, the group developed a series of proposals for improving the system of government in Israel, brought them to the Forum for discussion, and received feedback and advice from the members. IDI is currently engaged in ensuring that these proposals are on the public agenda, while the research group carries on its work, and the Forum continues to meet and issue recommendations.

Half a year ago, we established **Save Israeli Democracy**, a non-profit organization dedicated to promoting the proposed changes. We will need to work steadily and patiently if we are to make these changes a reality. The process will no doubt be difficult and long, and we cannot be tempted by shortcuts. As a rule, democratic structures are vulnerable; in the State of Israel, where they do not rest on a firm constitutional foundation, they are particularly fragile. Changes can only come about as part of a process, one which involves no precipitous upheaval.

At the end of the process, a stable parliamentary democracy awaits. Like most mature democracies, it will have two large political blocs. When one bloc wins the election, it will be able to form a stable government that is not subject to extortion, and the other bloc will serve as an effective opposition.

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We envision rising public esteem for political parties that do not engage in corruption. We hope that when the parties regain public trust, the public will want to return to the political arena. We call upon the legislature to encourage and support political parties that are run in accordance with democratic principles, and we call upon the electorate—and especially the young voters—to join these parties.

We envision a Knesset that functions effectively, efficiently, responsibly, and transparently. We foresee a Knesset winning a greater measure of public trust for its actions and its authority.

We envision an executive branch that fulfills its mission—providing optimal service to the citizens of Israel and efficiently implementing the decisions of the government. We can foresee an executive branch that does not fear reprisal from members of the opposite camp, who will fill their traditional role as loyal gatekeepers of governmental integrity.

The Israel Democracy Institute, the Forum for Political Reform and **Save Israeli Democracy** share the vision of a mature, sophisticated, flourishing parliamentary democracy.



## Prof. Gideon Rahat

Head of the research group of the Forum  
for Political Reform

Department of Political Science, the Hebrew  
University of Jerusalem

In September 2009, Dr. Arye Carmon, President of the Israel Democracy Institute, invited me to lead a group of researchers tasked with examining possible reforms to Israel's political system. I accepted the challenge and was pleased to discover that IDI would provide me with all the tools I needed to do the job. We recruited an academic "dream team": nine gifted researchers, including Dr. Shlomit Barnea (head of the government team), Dr. Chen Friedberg (head of the Knesset team), and Dr. Ofer Kenig (head of the political parties team). Each team had two research assistants from the Hebrew University of Jerusalem, either doctoral candidates or top-notch master's students. In the summer of 2010, we were joined by Prof. Matthew Shugart of the University of California, San Diego, an expert in government and electoral systems with an international reputation.

Some subjects have been studied by an individual researcher while others have been examined by a team. The group meets weekly to discuss and dissect the issues. After the team heads and I have reviewed the research findings and reports, they are uploaded to the IDI website. These materials have served as the starting point for discussions of the Forum for Political Reform, headed by Justice Meir Shamgar, President Emeritus of the Supreme Court. In the near future, IDI will publish a volume presenting the recommendations of the research team.

The researchers began by identifying the weaknesses of the Israeli political system and government; they then investigated whether various Israeli institutions were equipped to potentially address these limitations. The research group examined a number of components of the government, comparing Israel to established democracies (Western European countries, the United States, Canada, Australia, New Zealand, and Japan) and to successful new democracies (the Czech Republic, Hungary, and Poland). We used the experience of other democracies to assess the Israeli system, and specifically which elements should be preserved and which should be changed, taking into consideration the special characteristics of Israeli politics and the Israeli political system. Our working assumption is that an improvement in the functioning of Israeli political institutions will produce considerable benefits: more creditable political

conduct, a better political system overall, a cadre of gifted individuals choosing to enter politics, and a more positive public image of politics and politicians.

The most important responsibility of the research group is the provision and expert analysis of reliable, comprehensive information about the government and political system. The researchers also weigh the advantages and disadvantages of preserving or changing the system. Our work is fueled by the desire to strengthen and improve the state of democracy in Israel. We are optimistic that the decision makers will appreciate the effort invested in this research and hope that the teams' reports will serve as the basis for promoting the necessary changes. Our role is to provide the decision makers with the best information possible, and their role is to make wise decisions.

**We use the experience of other democracies to assess the Israeli system, specifically which elements should be preserved and which should be changed, taking into consideration the special characteristics of Israeli politics and the Israeli political system.**



# Recommendations for Strengthening Parliamentary Democracy in Israel

## The Parliamentary Model: Stable, Flexible, Durable

The Forum for Political Reform ascribes considerable importance to the parliamentary system for various reasons, most prominent of which are its stability—parliamentary democracies are relatively stable, while presidential democracies are more vulnerable—and its superior governability, in most respects, because the government is based on a majority of the legislature.

Among the veteran democracies, only the United States—a country that differs vastly from Israel in size, political culture, and a broad range of government-structure components—is an overtly presidential democracy. Nearly all well-established democracies are parliamentary in nature. Nevertheless, the Israeli parliamentary democracy still requires numerous improvements. The performance crisis affecting the country's democratic institutions and the public's mistrust of politics and politicians ought not to be ignored. In fact, there is good reason for concern over extension of this mistrust to the democratic institutions themselves. Such crises are common to all long-standing democracies, including Israel's. According to a multifaceted investigation we conducted, examining the decline of political parties and the cabinet turnover frequency, for example, Israel is now suffering one of the most severe crises ever to affect a democratic country.

The technological and social changes that took place over the past few decades have created a situation in which politicians require massive media presence to survive. The central institutions of parliamentary democracy have to be amended, reinforced and adjusted to these realities, but all such changes should be instituted cautiously, taking other countries' experience into account, to ensure that the reforms introduced actually improve the situation rather than worsen it. Consequently, it is important for each reform to be instituted separately and autonomously, without contradicting previous reforms if several are adopted within a given time period.

We are not facing violation of the fundamental balance of power among institutions and actors in the Israeli political system, but rather its orientation. We seek to strengthen the prime minister's power, for example, while simultaneously reinforcing the Knesset's oversight of the cabinet. We want to reinforce aggregate parties (relatively large parties that propose comprehensive action plans and appeal to all citizens), but not exclusively, so that each party may counterbalance other parties, institutions and political personalities, so that the government may benefit from a more stable and cohesive support base. We are interested in guaranteeing a strong Knesset that will oversee the cabinet efficiently without resorting to excessive legislation.

The following recommendations are the result of thorough planning and discussion involving academic researchers and theoreticians, Forum members—who contributed their extensive practical experience to the discussions—and Knesset members with whom we consulted. This partnership aided in the formulation of appropriate recommendations that do not purport to cover all issues worthy of attention, but rather focus on four key institutions that affect the functioning of parliamentary democracy: Political parties, the electoral system, the legislature (Knesset) and the cabinet.

In our view, addressing the performance of these four institutions will lead to a marked improvement in the functioning of Israeli parliamentary democracy, particularly if all recommendations are accepted as a unit. While the reforms proposed might be perceived as technical adjustments only, it is precisely changes of this type that touch on the points that require emendation, as identified in the Forum's comparative research and discussions.

One may expect change in the structure of institutions to lead to change in the behavior of their chief actors—politicians as individuals and as members of groups (political parties, coalition, opposition, Knesset, cabinet) and voters. In time, behavioral changes will also lead to some improvement in the perception of politics and the advancement of political culture, although it should be recalled that such changes require constant generous doses of civic education.

## Key Recommendations

- Retain parliamentary democracy as Israel's system of government.

### The Political Parties

- Supervise the process of registration for party membership.
- Set a minimum one-year waiting period prior to participation in intra-party elections.
- Provide incentives for democratic intra-party election procedures.
- Impose more stringent limitations on party splits.

### The Electoral System

- Retain the existing proportional electoral system with some modifications.
- Raise the electoral threshold gradually, over the course of two electoral cycles (first to 2.5% and then to 3%).
- Introduce semi-open ballots that will enable voters to choose up to several candidates on a ballot, thereby influencing party ranking.
- Consider introducing electoral districts.

## The Knesset

- Bolster those Basic Laws that deal with the three branches of government by requiring a special (two-thirds) majority vote to overturn or amend them.
- Adopt a new Basic Law: Legislation without undermining efforts to promote a constitution.
- Divide the Constitution, Law and Justice Committee into two separate committees: a Law and Justice Committee and a Constitution Committee.
- Consider increasing the size of the Knesset.
- Improve, by various means, the quality of the legislative process.
- Repeal the Supplementary Economic Arrangements Bill.
- Enhance, in various ways, parliamentary oversight of the executive branch.
- Improve the training process for new MKs.
- Retain the existing process for dissolving the Knesset.

## The Government

- Grant the head of the largest party an automatic first right to form a government immediately following an election.
- Broaden the scope of a constructive no-confidence vote that will make it possible to dissolve the governing coalition only if an alternative government that has the support of a majority of the Knesset can be presented.
- Limit the number of government ministers in the cabinet.
- Retain the existing process for dissolving the Knesset.

## The Political Parties

### Level the Playing Field for Parties that Hold Democratic Intra-party Elections

Forecasts predicting the disappearance of parties from the political landscape within a short time are without foundation. Parties still play a crucial role in recruiting candidates for public office, representing the will of the voter and influencing government performance. Nevertheless, we cannot ignore the crisis now affecting parties in Israel, especially the large aggregate parties. Parties throughout the democratic world are now in crisis, but in Israel, the difficulties and confusion facing the parties are more severe and extreme than those affecting parties in most other stable democracies.

Two types of parties are active in the Israeli political system, each with an entirely different control system. The first type comprises parties that attempt to maintain internal democracy, with party members and elected institutions that employ comprehensive democratic processes to select the party's leaders and candidates. The second type consists of parties that do not employ such democratic procedures. It is no coincidence that the major aggregate parties, those perceived as potential governing parties, belong to the first category.

**Ironically, Israel maintains a double standard that adversely affects the large and open parties that must bear the heavy financial burden imposed by the democratic procedures they maintain.**

Ironically, Israel maintains a double standard with an adverse effect on the large and open parties that must bear the heavy financial burden imposed by the democratic procedures they maintain. Furthermore, these parties are subject to stringent regulations, occasionally giving rise to scandals concerning internal election procedures such as hiring unsavory vote contractors, mass collective registration, dual registration, forgeries at the polls and violations of campaign financing laws.

Parties of the second type are exempt from public scrutiny because they do not maintain internal democratic procedures. About 75% of the text of the Political Parties Law—one of the principal laws regulating political party activity—relates to open parties only. Seeking to

balance between recognition of party and social group autonomy and the desire to reinforce aggregate parties and inter-party and intra-party democracy, we do not recommend that parties be **obligated** by law to institute democratic measures. Rather, we suggest that they be rewarded for doing so.

**One would ordinarily view such democratization as a wholly positive development, except that one of its results has been the adoption of primaries, a process accompanied by adverse phenomena.**

The large parties in Israel have undergone gradual internal democratization over the past few decades, leading to empowerment of party members. One would ordinarily view such democratization as a wholly positive development, except that one of its results has been the adoption of primaries, a process accompanied by adverse phenomena. While we cannot reconcile ourselves to such developments, it would be wrong to attempt to turn back the clock and undo these democratization processes. We tend to perceive intra-party democracy as a positive value in itself, but not one that must be held sacred at any cost. Accordingly, we should develop a system that fosters intra-party democracy while limiting the attendant undesirable effects.

## **Authorizing the Registrar of Political Parties to Cross-check Party Membership Rolls**

The Parties Law stipulates that membership in more than one political party simultaneously is a criminal offense. However, this law is not enforced. The Registrar of Political Parties, who supervises various aspects of party activity, compares membership rolls only if requested to do so. We recommend introducing an amendment to the Parties Law, according to which party membership rolls will be cross-checked at specified intervals, with all due attention to the individual's right to privacy (simple coding technology now enables identification of dual registration without revealing the names of all members).

We also recommend that eligibility for participation in intra-party elections be extended only to people who have been members of the given party for one year or more. This measure will weaken the power of vote contractors, who will no longer be able to withhold the names of their committed voters until the last minute.

## Incentives for Intra-party Elections

Internal democracy is desirable. Hence we recommend that the State finance intra-party democratic procedures by issuing refunds for eligible expenses. Election procedures will be considered democratic if either or both of the following elements are involved in electing candidates: (1) Party members; (2) a party institution at least 80% of which consists of people elected by party members over the previous four years (Germany and New Zealand have enacted laws in this spirit, but we propose incentives rather than legislation).

## Allocating Funds for Ideological Activities

In recent years, the decline of ideology and the triumph of personal politics over party politics have been among the most significant aspects of everyday political life for the major parties. Theoretical discussion has been swept away by the dictates of hired campaign managers.

**The parties are diverting nearly all of the state financing they receive to election campaigns in which large sums of money are remitted to external actors—image consultants, pollsters, media consultants, fundraisers and the like.**

The parties are diverting nearly all of the state financing they receive to election campaigns in which large sums of money are remitted to external professionals. Public funds are no longer used for intra-party ideological activity. On the one hand, this is a natural development in a world in which massive media exposure has become indispensable for electoral success. However, in Israel, as in other countries, the major parties appear to have gone too far.

We recommend amending the law, stipulating that a certain share of party financing is to be invested in ideological activity. This would include the organization of conferences of ideas, the creation of Internet discussion forums, and the establishment of party-affiliated research institutes. A change of this type will foster the renewal of ideological activity.

## Imposing More Stringent Limitations on Party-splitting

Some people believe that Knesset members who leave the faction in which they were elected or decide to form a splinter group are betraying the voters' trust. Another argument for strengthening party discipline is that the mere existence of an option to break away accords individual MKs numerous opportunities to threaten party cohesion, coalition longevity and government stability. On the other hand, opponents of stronger party discipline maintain that MKs are supposed to serve the public not only through their respective parties but out of loyalty

to what they perceive as the public interest. According to this view, MKs must act according to their conscience, even if loyalty to their principles leads them to leave their factions.

In an attempt to balance between these two rival conceptions of party discipline, we recommend imposing more stringent sanctions on MKs who break away from their factions without instituting measures that would prohibit such actions entirely.

Since 1991, legislation has made it difficult to split factions in the Knesset by imposing serious sanctions on a group that leaves its faction without fulfilling certain threshold conditions, most prominent among which is the departure of at least one third of the faction's members. Recently, the threshold was lowered somewhat, but it is important to note that Israel still imposes more severe sanctions on faction-splitting than do other well-established democracies.

**We call for repeal of the amendment that facilitates the splitting of large factions and extension of the period in which financing is withheld from split parties to two years from the inception of the Knesset's term.**

We recommend intensifying current restrictions on faction splitting: First, repeal of the amendment to the Knesset Law passed in summer 2009 that facilitates the splitting of large factions. According to this amendment, if at least seven MKs resign from a faction, even if they do not constitute one third thereof, no major sanctions will be imposed.

Second, we call for repeal of the amendment to the Party Financing Law, according to which a splinter group that meets the designated threshold conditions will be denied regular party financing (i.e., financing for the faction's Knesset activity, not election financing) for the first three months of the Knesset's term. We believe that the time period should be extended to two years, as it was before the amendment was enacted. Third, we should make it more difficult for MKs to break away from one existing party and join another. Today, such action is exempt from most sanctions stipulated for other types of splits. Fourth, in contrast to current legislation, we should render it more difficult for MKs to break away from factions that have fewer than four members—and not only by breaking away to form a one-person faction.

## The Electoral System (A)

### Introducing Ballots that Feature Lists of Candidates with the Option for Preferential Voting

Knesset members are elected from nationwide lists submitted to the Central Elections Committee by the parties no later than one month before elections. This closed ballot system, in which voters on Election Day have no influence over the composition of the list of candidates, brings about high centralization, poor response of elected officials to their constituents and low accountability. The political future of Israeli elected officials is more dependent on their respective parties' electoral bodies and less on their supporters among the public.

In many democratic countries, the proportional closed ballot system is combined with a personal component, wherein voters may choose candidates as they see fit from the list of the party for which they voted and their preferences are taken into account in determining the makeup of the parliament. Of the 35 countries examined, 14 practice a closed ballot system in which voters cannot elect individual candidates, only parties; in the remaining 21 countries voters have the option of influencing the prospects of individual candidates (see Appendix).

We do not call for replacing the present, rigid list system with one that would upset party cohesion and render the electoral race primarily personal. Rather, we recommend adopting a semi-open ballot system, in which voters have two options: (1) Voting for the party slate and thus effectively ratifying the list of candidates determined by the party before the elections, or (2) voting for one or more of the candidates whose names are listed on the ballot (see sample ballot below). Under such a regime, once the distribution of Knesset seats among the parties has been determined, the party vote is weighted together with the individual vote so as to determine which of the respective parties' candidates will occupy the Knesset seats. This system balances between the party and personal components in voting by integrating the increasingly popular personal politics element into the intra-party political arena.

#### **Adoption of a semi-open ballot system will:**

- Enable all party voters—and only party voters—to influence the choice of candidates for Knesset.
- Reduce the influence of intra-party selection of candidates in general and that of primaries in particular by introducing another, decisive round of intra-party competition on the date of general elections.
- Empower the individual voter (since a candidate's success will depend not only on party performance in the elections but also on public support), while keeping the elected official within a party framework.

- Encourage responsiveness and accountability among elected officials.
  - Preserve and strengthen the correlation between individual and party electoral success.
- Candidates who seek personal support will have to attract voters to support their respective parties.

**Example of a semi-open list ballot:**



**Option A:** Cast this ballot without selecting any of the candidates. Casting of an unmarked ballot is equivalent to casting a vote for the party slate ranked by the party as it appears on the ballot.

**Option B:** Select up to three names in order to influence the ranking of the candidates on the party slate for the Knesset.

Please mark an X in the box to the left of the candidate's name.

- Use pen only.
- Candidates whose names appear next to a black square are not subject to ranking.
- A ballot with corrections, deletions or with more than three names marked will be cast as an Option A ballot.

**Candidates in order of party ranking:**

<input type="checkbox"/>	1. Yuli Maagan	<input type="checkbox"/>	21. Ben-Hor Braun	<input type="checkbox"/>	41. Shiran Oren
<input type="checkbox"/>	2. Banya Bar-Am	<input type="checkbox"/>	22. Ta'ir Barkai-Admon	<input type="checkbox"/>	42. Genya Goz
<input type="checkbox"/>	3. Genya Ofek-Biran	<input type="checkbox"/>	23. Omri Shem-Tov	<input type="checkbox"/>	43. Geula Eliassaf
<input type="checkbox"/>	4. Leila Joseph	<input type="checkbox"/>	24. Amram Shamgar	<input type="checkbox"/>	44. Yossi Misgav
<input type="checkbox"/>	5. Eitan Lotem	<input type="checkbox"/>	25. Shmuel Inbar	<input type="checkbox"/>	45. Lachan Granit
<input type="checkbox"/>	6. Nasrin Agbaria	<input type="checkbox"/>	26. Aharon Ofer	<input type="checkbox"/>	46. Gilat Elhan
<input type="checkbox"/>	7. Lital Lotan	<input type="checkbox"/>	27. Elah Kubeisi	<input type="checkbox"/>	47. Yona Mayer
<input type="checkbox"/>	8. Lihi On	<input type="checkbox"/>	28. Eran Galila	<input type="checkbox"/>	48. Liam Gal-Or
<input type="checkbox"/>	9. Lulit Elial	<input type="checkbox"/>	29. Ahava Aldor	<input type="checkbox"/>	49. Shaadia Adiat
<input checked="" type="checkbox"/>	10. Yehiel Shebach	<input checked="" type="checkbox"/>	30. Udi Elhanan	<input checked="" type="checkbox"/>	50. Lian Alon
<input type="checkbox"/>	11. Belphoria Shavit	<input type="checkbox"/>	31. Eli El-Or	<input type="checkbox"/>	51. Galia Iyov
<input type="checkbox"/>	12. Maoz Yom-Tov	<input type="checkbox"/>	32. Matanel Yizrach	<input type="checkbox"/>	52. Eli Geffen
<input type="checkbox"/>	13. Boutrous Hourri	<input type="checkbox"/>	33. Ofir Eliassaf	<input type="checkbox"/>	53. Natanelia Elizur-Givati
<input type="checkbox"/>	14. Shuni Simcha	<input type="checkbox"/>	34. Orgad Eliahu	<input type="checkbox"/>	54. Leora Ahiassaf
<input type="checkbox"/>	15. Matan Yotam	<input type="checkbox"/>	35. Issa Massawra	<input type="checkbox"/>	55. Latifa Ahidah
<input type="checkbox"/>	16. Benayahu Barak	<input type="checkbox"/>	36. Yishaiyahu Noy-Shaham	<input type="checkbox"/>	56. Abraham Levi
<input type="checkbox"/>	17. Timor Ben Zion	<input type="checkbox"/>	37. Oron Elimelech	<input type="checkbox"/>	57. Dana Simchon
<input type="checkbox"/>	18. Tirosh Maksim	<input type="checkbox"/>	38. Or-el Elior	<input type="checkbox"/>	58. Abir Ghanaim
<input type="checkbox"/>	19. Tchelet Bashur	<input type="checkbox"/>	39. Wadad Hatib	<input type="checkbox"/>	59. Yehoram Vaknin
<input checked="" type="checkbox"/>	20. Marwa Al Huzail	<input checked="" type="checkbox"/>	40. Li-Zar Shevach	<input checked="" type="checkbox"/>	60. Mila Henin

## Moderate the Proportional System by Raising the Electoral Threshold

Proportional election is the most common system among democratic countries (see Appendix). The principle at the foundation of this system stipulates that the percentage of seats accorded to each party participating in the elections reflects the percentage of the popular vote it received. The proportional system ensures fair vote distribution among the parties standing for election and enables a high degree of representativeness.

It is commonly claimed that such representativeness helps consolidate a broad basis for the legitimacy of the governing system, especially in heterogeneous and schism ridden societies such as Israel's. On the other hand, there are those who maintain that the proportional system adversely affects efficiency and governability and enables extremist or isolationist factors to become entrenched and gain strength.

The disadvantages of Israel's electoral system do not originate in the proportional system but in the extreme application thereof. Most well-established democracies throughout the world have adopted a higher electoral threshold than Israel's, thereby moderating the proportionality of elections. We recommend leaving the proportional system intact, as it preserves representativeness, ensures fair election results and expresses the pluralism characteristic of Israeli society, while moderating the extent of its attendant proportionality.

**The disadvantages of Israel's electoral system do not originate in the proportional system but in the extreme application thereof.**

## Raise the Electoral Threshold

Electoral thresholds mandated by law are popular and widely-accepted in countries with proportional electoral systems. They prevent a party slate that did not succeed in achieving a designated percentage of the valid votes from participating in the distribution of seats in the legislature. A low threshold enables better preservation of the principle of representativeness but is liable to create a more polarized party system that makes it difficult to form coalitions in parliamentary governments. Consequently, it may affect government stability adversely and disrupt governability. A high threshold is likely to favor larger parties, moderate parliamentary splits and reinforce governance. If the threshold is too high, precise reflection

of voter preferences and the principle of representativeness may be affected adversely. Our recommendations below are derived from a desire to balance these principles and enable smaller groups to combine into larger slates and parties.

**In the coming elections, the threshold should be raised to 2.5% and subsequently by another 0.5%.**

We propose raising Israel's electoral threshold moderately and gradually (the threshold was raised three times since the State of Israel was established: To 1% in 1951, 1.5% in 1991 and 2% in 2004). In the coming elections, the threshold should be raised to 2.5% and subsequently by another 0.5%. The gradual increase will accord both voters and officials an opportunity to adjust to the new entry threshold for the political system.

**Raising the electoral threshold will:**

- Reduce the number of parties in Israel and slightly offset the incentives for extremism. At the same time, it will not exert any significant adverse effect on the principle of representation, especially regarding minority groups.
- Encourage parties to form larger alliances before the elections and thereby reduce the number of wasted votes, bring about moderation of extreme positions and alleviate sectoral interests (parties forming alliances will not have to fight with their allies over the same constituencies).
- Reinforce party and alliance cohesion and inevitably governance as well. The bargaining power of small parties and intra-party offshoots will decline if splitting is made difficult for them.
- Enable policy makers to assess the effect of this change before considering future additional increases in the threshold (to a maximum of 5%).

# The Knesset

## Improving the Quality of Knesset Work

In a parliamentary democracy, the legislature is the central institution that links the voting public with the ruling authorities. In Israel, the Knesset fulfills a wide variety of functions, similar to those of legislatures in many other democratic countries: Representation of citizens, discussion, oversight of the executive branch and recruitment to the political system. Various problems adversely affect the Knesset's ability to fulfill many of these functions successfully, including: a relatively small number of active MKs, both because of the growth of Israel's population and because of the large size of recent cabinets; an unprecedented number of private bills, some of which are of poor quality; the last-minute amendment to the budget known as the Supplementary State Economy Arrangements Law—which bypasses the standard path of legislation; inefficient Knesset committee structure; insufficient professional support for MKs and committees and a lack of appropriate, adequate training for new MKs.

The following recommendations attempt to respond to these problems. Some may be applied in the short range, through amendments to the Knesset Regulations, while others require major legislation.

## Setting the Rules of the Game in the Absence of a Constitution

Major rules of the game concerning the Knesset's performance and its relations with other branches of government are not stipulated in any legislation whatsoever, neither basic nor standard.

**Consequently, until a constitution is instituted, we recommend:**

- Entrenching the status of the branches of government in Israel in the relevant Basic Laws and determining that any change in this respect requires a special (two-thirds) majority.
- Ratifying the Basic Law: Legislation, but only on condition that its ratification does not adversely affect efforts to promote a constitution.
- Dividing the Constitution, Law and Justice Committee into two: A Law and Justice Committee and a Constitution Committee, the latter charged with promoting completion and inception of a constitution.

## Increasing Knesset Size and Limiting Cabinet Size

The Knesset is the smallest among parliaments of countries with populations approximately the size of Israel's, even though Israel has one of the world's most heavily burdened public and political agendas. The country's coalition governments are large, with the number of ministers and deputy ministers reaching as high as 40 at times. Taking these cabinet members into account, together with other MKs holding key positions (Knesset chair, head of the opposition), less than two thirds of all MKs are free for committee work. At present, all Knesset committees (including subcommittees and special committees) are severely understaffed and could accommodate nearly three times their current membership.

**Considering this situation, we recommend:**

- Passing a Basic Law that limits cabinet size to 18 ministers and a limited number of deputy ministers.
- To consider major structural reform of the Knesset, including an increase in the number of MKs, and the introduction of a regional component into the electoral system as part of comprehensive government reform.

**Parliament size vs. population size in 13 democracies (2010)**

Country	Population (millions)	Parliament size	MP/Citizen Ratio
Israel	7.1	120	1/59,167
Portugal	10.6	230	1/46,087
Austria	8.2	183	1/44,809
Switzerland	7.6	200	1/38,000
Slovakia	5.4	150	1/36,000
Greece	10.7	300	1/35,667
New Zealand	4.1	120	1/34,167
Denmark	5.5	179	1/30,726
Bulgaria	7.3	240	1/30,417
Norway	4.6	169	1/27,219
Finland	5.2	200	1/26,000
Sweden	9.0	349	1/25,788
Hungary	9.9	386	1/25,648

## Oversight of the Executive Branch

In Israel, parliamentary oversight of the executive branch is flawed because the means of oversight available to MKs are ineffective. This is one reason that MKs tend to appeal to other channels of influence, such as private bills. In its current format, the parliamentary question mechanism is almost entirely devoid of content. The committees, the most important oversight tool available to the Knesset, are ineffective as well. Several factors are responsible for this situation, especially the lack of proportion between the small dimensions of the legislature and the marked scope of the cabinet. Because of the relatively low number of MKs, only about two thirds of them can be active on committees, while the total possible appointments to committees (including subcommittees and special committees) is almost three times that. Moreover, from the time they were first instituted, Knesset committees were set up to specialize in designated spheres of activity instead of working in parallel to government ministries; many committee members have neither the experience nor the professional background relevant to committee work. At the same time, the committees suffer from a chronic lack of professional consultation; they rarely monitor implementation of the laws they discussed and the conclusions they formulated regarding issues submitted to them by the Knesset plenum. Lacking the authority to impose sanctions, the committees cannot compel the various officials to provide them with information or to appear before them.

**Effective functioning of the Knesset—which represents the public and oversees the executive branch on its behalf—is essential in a parliamentary democracy.**

Any attempt to improve the functioning of oversight tools (naturally) encounters government resistance. Nevertheless, effective functioning of the Knesset—which represents the public and oversees the resource-rich and powerful executive branch on its behalf—is essential in a parliamentary democracy.

### **Considering this situation, we recommend:**

- Transforming non-permanent Knesset committees into subcommittees and leaving only the permanent committees intact.
- Limiting the number of MKs on committees to nine (except the Knesset Committee and the Foreign Affairs and Security Committee).
- Creating a “mandatory control package” for each committee: Enforcing the regulation regarding ministers’ semiannual personal report to committees; setting up subcommittees to monitor application of committee decisions; instituting a means of involving the committee in the budget of the ministry or ministries that it oversees—or at least in implementation thereof.
- Inviting members of the relevant committees to State Control Committee discussions of reports concerning their areas of specialization.

- Establishing an Information and Research Center by law, stipulating its autonomous and apolitical status and expanding its activity, especially in the research field.
- Maintaining present procedures for dissolving the Knesset (see pages 34, 35).

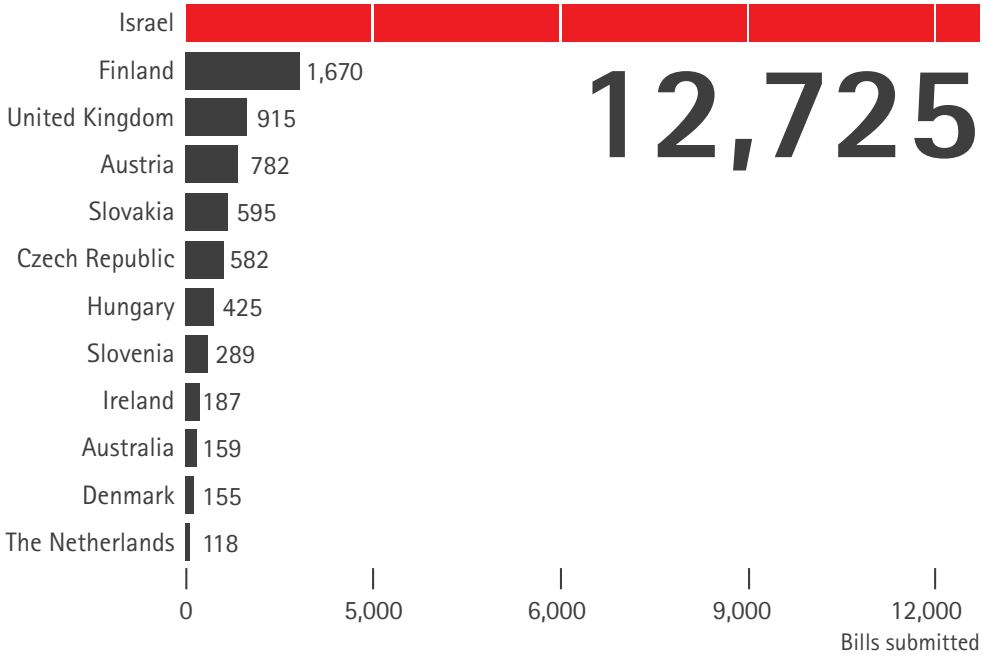
## The Legislative Process

The most outstanding feature of the legislative process in Israel is the unprecedented increase in the number of private bills submitted to the Knesset (12,725 in the past decade) and the percentage of laws originating in such private bills (50%). In other democratic countries examined (including Austria, the United Kingdom, the Netherlands, Denmark, Norway, Slovenia and Finland), only a few hundred private bills were submitted and the percentage of laws originating in private bills over the past decade ranged from 0.5% to 20%.

The submittal of thousands of private bills in the Knesset (only 6% of which eventually become law) entails numerous drawbacks: Lowering the value of proposed legislation; using the Supplementary State Economy Arrangements Law to reject or block application of private legislation that does not conform with budgetary policy; flooding Knesset committees with private bills and thereby impeding discussion of government reforms; the Ministerial Legislation Committee's inability to conduct effective discussion of the numerous private bills proposed for its perusal; lack of an organized legislation plan in the cabinet and Knesset and poor quality of explanatory material attached to bills, particularly private bills.

To improve the Knesset legislative process, we propose limiting the number of private bills that can be submitted and the total number of bills to be raised for discussion on a weekly basis. This constraint may be applied either directly and explicitly or indirectly—by imposing stringent threshold conditions on private bills, detailing the standards to which the bills and accompanying explanatory material are to be held. For example, MKs who submit private bills will be required to detail the probable environmental, economic and social implications of their passage. To facilitate compliance with such standards, we should insist that at least one of the relevant MK's parliamentary aides possess appropriate academic education. The Research and Information Center should be reinforced as well.

Number of private bills submitted in the last decade: A comparative view



To ensure that bills that pass the entire legislation process are indeed applied, we recommend that the Knesset Regulations require the chairs of all committees to conduct ongoing monitoring of the application of laws. A situation in which a few dozen high quality meticulously prepared private bills are submitted, discussed and even adopted is preferable to the present state of affairs. Over the past few years, thousands of private bills were submitted to the Knesset and it was impossible and inappropriate to address them all.

## The Supplementary State Economy Arrangements Law

The Supplementary State Economy Arrangements Law (legislative amendments to achieve the goals of the state budget and state economic policy) was first enacted in 1985, when the Israeli economy was undergoing a severe crisis, to enable the government to take drastic steps to wipe out inflation and stabilize the economy. It has not been repealed since then, as the cabinet and the Ministry of Finance found it to be a powerful tool enabling implementation of policies that the Knesset would not have approved in ordinary legislation. Alternatively, the Arrangements Law enables postponement of the application of laws approved by the Knesset. It has become a kind of legislative detour, as it allows for repeal of existing laws in a hasty procedure constituting part of the budget approval process, thereby altering the fundamental order of government and intervening in economic, social, and cultural activity. The law covers a wide range of topics and issues only loosely (or often not at all) connected with the budget.

**The Arrangements Law constitutes a threat to parliamentary democracy because it reflects impatience with organized and reasoned legislative procedures that constitute a substantive component of the democratic system.**

The Arrangements Law embodies a serious risk because it expresses impatience with organized and reasoned legislative procedures that constitute a substantive component of the democratic system.

Although the Arrangements Law was originally intended to be subordinate to the Budget Law, on more than one occasion, the order was reversed and the Budget Law appeared to be subordinate to the Arrangements Law.

### Considering this situation, we recommend:

- To repeal the Arrangements Law.
- To divide the Finance Committee into two: A Finance Committee and a Budget Committee. The Budget Committee will function as a joint committee whose makeup is to be determined by the chairs of all permanent committees. Its function will be discussion of the budgets of the various Ministries before the budget is approved.
- Enact a Basic Law: The State Economy, to achieve significant advancement of the date on which the State Budget is to be submitted to the Knesset (at present, it is to be submitted 60 days before the start of the fiscal year).

## Training for New Knesset Members

Knesset members have a complex job to do, requiring numerous skills to carry it out. Yet many new MKs enter the Knesset unprepared.

Consequently, we believe that it would be desirable:

- To significantly improve training for MKs.
- To develop training workshop for new MKs, with university sponsorship, to be conducted by top instructors in fields relevant to Knesset work: Political science, public policy, economics and law (training procedures will resemble those of the in-service training program for judges).

# The Government

## Strengthening Governance

A democratic government requires a system of checks and balances that restrain the power of the executive branch. The government's power is limited by the need to achieve broad consensus in the Knesset, among the parties and at times even among interest groups and in public opinion. The need to build consensus actually strengthens the government's ability to govern because broad support confers democratic legitimacy on government decisions, making it easier to execute the chosen policy. Nevertheless, if it is to govern effectively, the government must be able to serve the public that granted it a temporary mandate to act on its behalf and for its benefit. In Israel, over the last two decades, the equilibrium between the power of the cabinet and that of other branches of government has been upset.

Governments in Israel, as in other democratic countries, suffer from disparity between what is demanded of them and what they are able to do. Israeli governments do not have an easy task before them. They have to carry out more numerous and more difficult missions—some of which demand immediate response to existential challenges—than do governments of most other parliamentary democracies. Furthermore, they have to supply numerous services within a shorter period of time.

**Government vulnerability originates in a decline in the value of principles such as cooperation, collectivism and joint responsibility among the factors involved in policy formulation and application—the coalition, cabinet ministers and the parties.**

The present situation is far from ideal for Israel's governments and their leaders, who are subject to difficult social and political conditions and various systemic flaws that impede discharge of their duties. Government vulnerability originates in a decline in the value of principles such as cooperation, collectivism, and joint responsibility among the factors involved in policy formulation and application—the coalition, cabinet ministers, and parties. Under such conditions, the executive branch and its leaders lack the support, and backing they require, a situation exacerbated by their frequent subjection to threats originating among those who are supposed to support and assist them.

Government vulnerability is a source of concern, as normal executive branch performance is a necessary condition for the functioning of the democratic system as a whole. Moreover,

government functional difficulties yielded several by-products that threaten the robustness and stability of the system, including challenges to the basis of legitimacy on which the executive branch rests, a sense of instability among the public and a decline in the trust it places in the political system, resulting in increased popularity for alternatives to the parliamentary system and representative democracy.

**The vulnerability of the executive branch in Israel does not derive from the parliamentary type of government but rather from parliamentary schisms and a lack of consensus for resolution of substantive issues.**

There is an authentic need to improve government robustness and reinforce the status of its leaders, but it is important to note that the vulnerability of the executive branch in Israel does not derive from the parliamentary type of government but rather from parliamentary schisms and a lack of consensus for resolution of substantive issues. The experience of other democracies shows that such situations hamper the executive branch but do not prevent it from functioning and surviving. Moreover, consensual democracy requires a complex structure of checks and balances ensuring that executive branch performance reflects broad consensus.

Israeli governments require reinforcement as they face potential partners (parties and factions), actual partners (coalition members), and errant members (cabinet ministers, faction representatives). As relations between the government and these partners are based on voluntary alliances and agreements among autonomous factors in the political system, it is difficult—although not impossible—to bring about any change in this respect through institutional reform. The reforms proposed below focus on improving the situation by changing the positive and negative incentives that guide the behavior of the actors comprising the system.

The key problem is that institutional arrangements do not offer sufficient incentive for stable and obligatory partnerships; on more than one occasion, these arrangements even encourage political partners to shrug off their commitments. To rehabilitate democratic government in Israel and reinforce the executive branch, no change in system of government is required, but rather a reworking of institutional arrangements in a manner that encourages establishment of substantive and obligatory partnerships and intensifies a sense of common responsibility.

#### **Recommendations for strengthening governance:**

**Enacting a law that grants the first right to form a government to the head of the party that received the largest number of votes in the elections.** If the head of the largest party does not succeed in forming a government that gains the confidence of the Knesset within

the legally designated period of time, the mandate will be returned to the State President, who will assign the mission to one of the Knesset members, as indicated in current legislation. This system will clearly identify the official responsible for forming a government, curtail appointment procedures and accord that official a more powerful starting position. The first right to form a government imparts a certain sense of certainty, simplicity, and fairness, as contrasted with the consultations and political bargaining practiced today. Consequently, it is expected that this proposal will reinforce trust in the system among the public and may well encourage voters to support one of the larger parties—namely those with a good chance of competing for the right to form a government—as the connection between electoral victory and government formation becomes more apparent and certain. Furthermore, parties will have incentive to merge before the elections, thereby enabling clear and transparent competition over the character of the government to be formed after the elections.

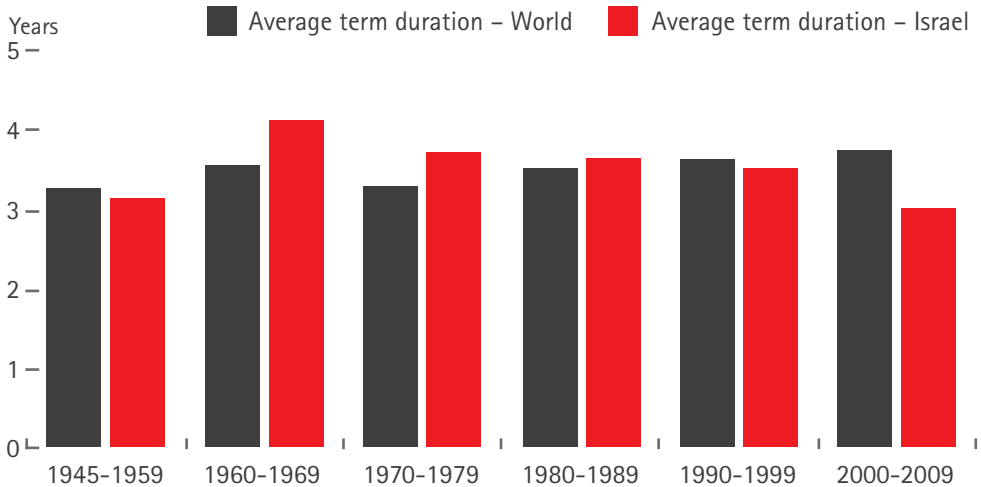
## Retain the Existing Process for Dissolving the Knesset

Procedures for dissolving the parliament are significant because they accord flexibility to the political system. Dissolving the parliament and holding new elections help the government system avoid stagnation. The ready availability of means to dissolve the parliament renders parliamentary democracy flexible, thereby according it higher survivability than presidential democracies.

**The ready availability of means to dissolve the parliament renders parliamentary democracy flexible, thereby according it higher survivability than presidential democracies.**

Israeli law currently stipulates five ways of dissolving the Knesset: A Knesset vote on a law to dissolve itself; failure of efforts by the person appointed to form a government; the designated government formation official and the government formed fail to win the Knesset's ratification; Knesset rejection of the Budget Law; the prime minister's initiative, with the president's consent, to dissolve the Knesset after realizing that a majority of MKs opposes the government and prevents it from functioning normally.

### Comparison of legislative terms 1945–2009



Historical and comparative analysis of these conditions indicates that contrary to popular opinion, the Knesset does not differ from other parliaments in terms of its ability to complete its legally designated term. Assessment of the circumstances under which the Knesset has been dissolved in Israel indicates that at least in some cases, the means applied served its original purpose—addressing developments within or shocks to the political system and a lack of consensus regarding the appropriate response.

Examination of the use of authority to dissolve the parliament in Israel shows that the governing system pays a minimal price (in terms of Knesset stability or continuity) for the flexibility accorded it by the power to dissolve. In Israel, unlike other democracies, this system is applied only on a limited basis, to further narrow interests, yet it provides the political system with substantive flexibility. Consequently, we recommend maintaining current procedures for dissolving the Knesset and advancing the date of elections. Any adverse effect on said flexibility is liable to engender long-term perseverance of governments paralyzed by the lack of a supporting Knesset majority, threatening not only governability and the normal functioning of democratic rule, but also the stability of the democratic system itself.

## Strengthening Procedures of Constructive No-confidence Votes

A vote of no confidence is a measure consolidating the government's responsibility to the judicial branch and a significant tool available to the parliament for fulfillment of its function in overseeing the executive branch. We recommend expanding the partial constructive no-confidence vote practiced today in Israel. At present, a no-confidence motion to bring down the government requires an absolute majority of MKs supporting an alternative faction potentially capable of forming a government. According to our proposal, this in itself will be insufficient. Those who submit no-confidence motions in the future will also have to assemble an absolute majority in support of an alternative government. The change is intended to intensify government resilience to parliamentary onslaughts and to keep the parliament from toppling the government if no realistic alternative (other than new elections) is available, thereby reinforcing government stability.

We believe that proposals for amending the no-confidence mechanism practiced in Israel should not demand a special majority as a threshold condition. Although requiring a special majority would render it very difficult to bring down a government and thus largely ensure government stability, it violates the democratic principle of majority rule by according excessive power to the minority. Moreover, it weakens the flexibility of the parliamentary system, which allows a government to be defeated or replaced if it does not enjoy the support of a majority of MKs. Demanding a special majority is liable to result in a situation wherein the government remains intact but lacks the Knesset majority required to implement its policies.

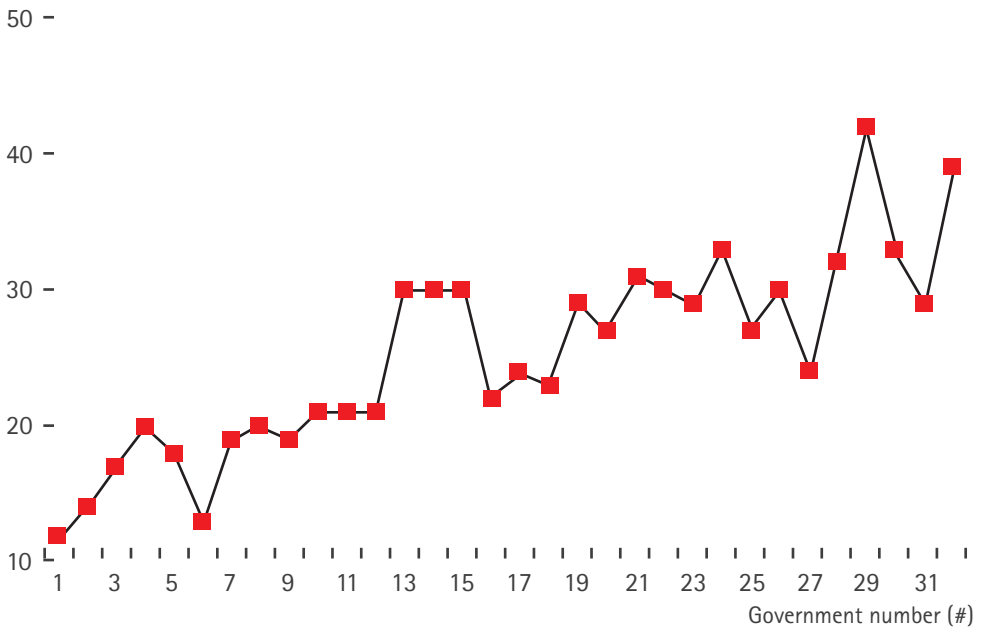
**Demanding a special majority is liable to result in a situation wherein the government remains intact but lacks the Knesset majority required to implement its policies.**

## Limiting the Size of the Cabinet by Law

Since the establishment of the State of Israel, cabinets have increased steadily in size. From the time the first cabinet was established until today, the number of cabinet portfolios has doubled or more and the number of cabinet members (ministers and deputy ministers) has more than tripled.

### Size of Israeli cabinets (ministers and deputy ministers) 1949–2010

Number of ministers and deputy ministers

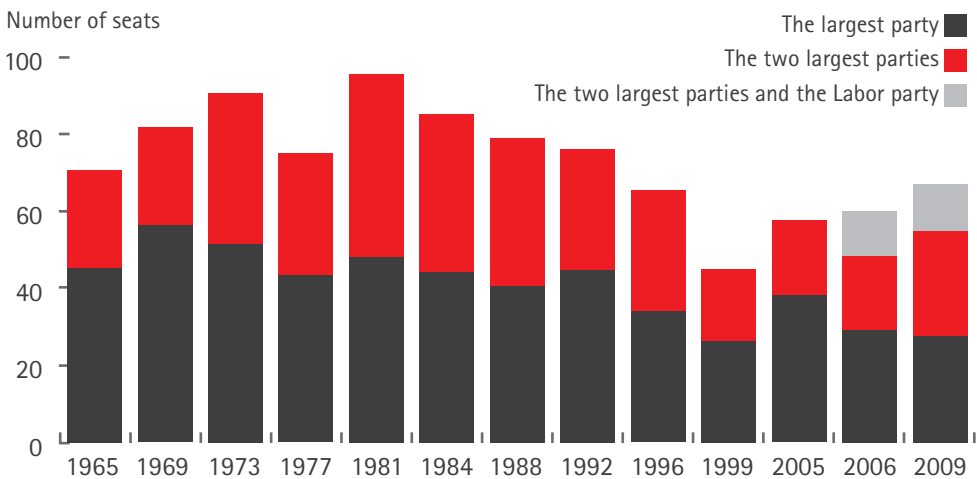


Increasing the size of the cabinet ostensibly solves the coalition stability problem, as a large cabinet is ensured automatic Knesset support by a large bloc of MKs. In practice, however, the drawbacks of this solution outweigh its advantages. A large cabinet seriously impedes Knesset activity, especially among coalition factions, because too few MKs remain to fulfill parliamentary functions. The cabinet's functions and coordination among its various branches and between it and other authorities become more complicated if the cabinet serves as a kind of Knesset in microcosm, i.e., a body for discussion rather than decision making. As such, we recommend limiting the size of the cabinet by law, backed by an amendment to the Basic Law: The Government, so that the restriction can only be repealed by a two-thirds majority of the Knesset. It should be recalled that such restrictions were adopted in Israel in 1992 and their repeal in 1999 generated considerable opposition.

## Strengthening the Major Parties

Since the 1960s, two large aggregate parties have served as central anchors of the political system in Israel. Social changes such as immigration from the Former Soviet Union, increased nationalism among Israeli Arabs and the rise of the Shas Party, accompanied by institutional changes such as direct prime ministerial elections and inequalitarian regulations, led to a weakening of those parties. As the table shows, until 1996, at least one third of Knesset members belonged to the largest party. Since then, there have been five elections, in all of which the largest party accounted for less than one third of Knesset seats. In three of those elections, it did not even account for a quarter of the seats. Until 1996, the percentage of the two largest parties or party alliances was consistently at least 70 Knesset seats. In all four election campaigns since 1999, the combined power of the two largest factions accounted for fewer than half the seats.

### Size of the aggregate parties



The weakening of the large aggregate parties has significant implications for governability and the functioning of the executive branch. A governing party that lacks a firm parliamentary base will have difficulty assembling and maintaining a coalition. Although there have been multiparty coalitions in Israel, the prime minister's party was always a significant governing kernel in the coalition. The governing party nearly always constituted the majority among coalition members. The situation changed over the past decade: The governing party had a majority in the coalition in only one of the five governments formed since 1996 (see below).

### Erosion of the ruling party's control nucleus

Government	Size of Coalition	Size of Ruling Party	Control Nucleus (ratio of ruling party to coalition)
Begin (1977)	62	45	72.6%
Rabin (1992)	62	44	71.0%
Barak (1999)	75	26	34.7%
Sharon (2001)	78	19	24.4%
Sharon (2003)	68	38	55.9%
Olmert (2006)	67	29	43.3%
Netanyahu (2009)	74	27	36.5%

There thus appears to be a substantive weakness in the power of large aggregate parties in Israel. While Israel is not alone in this respect, its major parties have suffered the sharpest decline in power.

Certain procedures cannot be changed: Personal politics is on the rise and will not disappear; the era of mass parties will not return. Nevertheless, we may institute certain measures that will lead voters and the political system to rally around two and only two governing alternatives: Increasing the electoral threshold, introducing a regional dimension in the electoral system, according first right to form a government to the head of the largest party, regulation and rewarding democratic parties. Such measures are likely to reinforce the large aggregate parties, partly because they provide incentive to smaller parties to merge into the larger ones and stand for elections on combined lists representing what might be termed "pre-election coalitions."

## The Electoral System (B)

### Introducing Electoral Districts

Nearly all countries are divided into geographic electoral districts (see Appendix). In countries that conduct majority elections, each district is represented by one representative (single-member districts), while in those holding proportional elections, each district has several representatives (multi-member districts). Use of districts moderates the proportionality of elections, ensures representation of various parts of the country, fosters identification between elected representatives and their respective districts and reinforces elected officials' response and commitment to their constituents. In this context, in one district with 120 representatives, as is practiced in Israel today, the "cost per seat" is only 0.83% of the valid popular vote (100/120). Very large districts thus entail a very low electoral threshold. Conversely, the smaller the district, the higher the effective electoral threshold, which prevents representation of smaller parties. For example, even in an electoral district with a relatively large number of representatives (10), a party will need nearly 10% of the vote to win a seat.

In Israel, the nationwide electoral system is practiced: The entire country serves as one electoral district, electing the entire Knesset membership (120 representatives). This practice, coupled with the low electoral threshold, ensures that election results are translated fairly and various minorities and social groups thus gain representation in the Knesset. The political system pays a rather heavy price for this high representativeness, however: The party system is highly divided, rendering it difficult to maintain coalitions; governability problems arise; voters have difficulty identifying their representatives and demanding response and responsibility from them and the interests of the geographic periphery are cast aside.

We believe that adoption of a regional-proportional electoral system ought to be considered in Israel. If such a decision is made, we recommend dividing the country according to the following criteria, based on extensive international experience (see table below):

- Overlap between electoral districts and existing administrative districts (those of the Ministry of the Interior or the regional division serving the Central Elections Committee), in keeping with common contemporary practice, to eliminate suspicion of arbitrary boundary determination and minimize potential political struggles.
- Instituting a dozen multi-member electoral districts to preserve a high level of proportionality. If nationwide compensation is decided, the compensating district should elect no more than 30 representatives. A larger compensating district would yield electoral results too similar to those obtained with the current system.

- Enacting legislation stipulating that each electoral district will be represented by at least five representatives, thereby ensuring a minimal extent of proportionality and representativeness—even at the district level—and reducing adverse effects on minorities.
- Districts will be represented according to the number of eligible voters therein (determined by population censuses held once every ten years, according to the Hare formula applying to single transferable votes (STVs)).
- Enacting legislation stipulating that eligibility for representation in the Knesset requires political parties to submit party slates in at least half the electoral districts and to exceed the national electoral threshold or to win seats in at least two electoral districts, thereby reducing apprehension over the rise of regional parties with narrow interests.

### 12 electoral districts and three models for allocation of seats\*

	Electoral District	Number of eligible voters**	Number of seats (out of 120)	Number of seats (out of 90)
1	Jerusalem and Judean Hills	526,139	12	9
2	Safed-Tiberias-Jezreel Valley	474,227	11	8
3	Acre	379,685	9	6
4	Haifa-Krayot	454,047	10	8
5	Hadera-Hasharon	523,736	12	9
6	Petah Tikva	494,686	11	8
7	Ramle-Rehovot	591,489	13	10
8	Tel Aviv	383,585	9	7
9	North Dan	360,357	8	6
10	South Dan	330,019	8	6
11	Ashkelon	357,473	8	6
12	Be'er Sheva	403,137	9	7
	<b>Total</b>	<b>5,278,985*</b>	<b>120</b>	<b>90</b>

\* The table displays two options for dividing Israel into 12 electoral districts: The first is division into 12 districts without nationwide compensation and the second calls for 12 districts from which 90 MKs will be elected and a nationwide district that elect 30. The data are based on the number of eligible voters, which came to 5,278,985 in 2009. The "cost per seat" with the first option (deriving from division of the number of voters by 120) is 43,992 and the second 58,655. Distribution of seats for each region will be accomplished according to the Hare STV formula.

\*\* The total number of eligible voters in 2009 includes 405 voters whose addresses remained in areas vacated in the disengagement.

Source: Chen Friedberg and Nir Atmor, "Four Regional Alternatives for Israel" [Hebrew].

[http://www.idi.org.il/events1/government\\_forum/pages/6.aspx](http://www.idi.org.il/events1/government_forum/pages/6.aspx)



## Appendix

The electoral system, number of electoral districts, average size and ballot structure in 35 democracies

Country	Size of House of Representatives <sup>†</sup>	Number of electoral districts	Range of electoral district sizes	Size of average district	Electoral system
Italy	630	28	44-1	22.5	Closed list
Israel	120	1	120	120	Closed list
Spain	350	50	35-2	7	Closed list
Portugal	230	22	55-1	10.5	Closed list
Costa Rica	57	7	21-4	8.1	Closed list
The Netherlands	150	1	150	150	Semi-open list
Estonia	101	12	13-6	8.4	Open list
Finland	200	15	33-1	13.3	Open list
Chile	120	60	2	2	Open list
Poland	460	41	19-7	11.1	Open list
Slovenia*	90	8	11	11	Semi-open list, preferential voting
Austria***	183	9 43	33-5	20.3 4.3	Semi-open list, preferential voting
Denmark*	175	10	16-2	13.5	Semi-open list, preferential voting
Sweden*	349	29	36-2	10.7	Semi-open list, preferential voting
Czech Republic*	200	14	25-5	14.3	Semi-open list, preferential voting
Slovakia*	150	1	150	150	Semi-open list, preferential voting
Cyprus*	80	6	21-3	13.3	Semi-open list, preferential voting

Belgium*	150	11	24-4	13.6	Semi-open list, preferential voting
Greece*	300	56	36-1	5.1	Semi-open list, preferential voting
Norway*	169	19	16-3	8.9	Semi-open list, preferential voting
Iceland*	63	6	11-10	10.5	Semi-open list, preferential voting
Switzerland	200	26	34-1	7.7	Free list, preferential voting
Luxemburg	60	4	23-7	15	Free list, preferential voting
Ireland	166	43	5-3	3.9	Free list, rank order
Malta	65	13	5	5	Free list, rank order
Germany**	299 299	299 16	1 29-3	1 315	Closed list, closed ballot
Japan**	300 180	300 11	1 29-6	1 16.36	Closed list, closed ballot voting
New Zealand**	63 50	63 1	1 50	1 50	Closed list, closed ballot voting
Hungary**	176 146 64	176 20 1	1 27-4 64	1 7.3 64	Closed list, closed ballot voting
Australia	150	150	1	1	Alternative vote, rank order voting
USA	435	435	1	1	Closed ballot voting
UK	646	646	1	1	Closed ballot voting
India	545	545	1	1	Closed ballot
France	577	577	1	1	Closed ballot
Canada	308	308	1	1	Closed ballot

† In countries with a bicameral parliament, the figure refers to the lower house.

\* Preference voting differs from country to country. In some countries, there is an option for one personal preference vote, in others two or more; some even allow for deletion of candidates' names from the list.

\*\* In mixed systems, some members of parliament are elected by simple majority in single-member districts, while the remainder is elected nationally by the proportional system.

\*\*\* In Austria there is a third tier, where seats are distributed at the national level.

Sources: <http://www.ipu.org> with authors' processing. For further information, see: Nir Atmor, *Democratic Electoral Systems for Legislative Bodies*, Policy Paper 82 (Jerusalem: Israel Democracy Institute, 2010), [Hebrew], and Chen Friedberg, Nir Atmor, and Anna Knafelman, "Diagnosis of Electoral Systems in Israel" [Hebrew].

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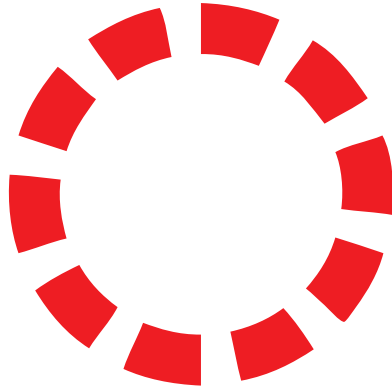
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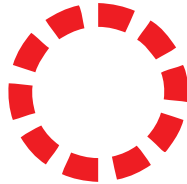




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**Save Israeli Democracy** is an independent registered association that aims to promote legislation to correct the flaws, strengthen, and improve the performance of Israeli democracy—and not to replace this system of government with another.

The founders and members of **Save Israeli Democracy** engage in public action in order to repair the present situation in the spirit of the recommendations of the research group and the Forum for Political Reform and in connection with the Israel Democracy Institute's wealth of research and experience.

Based on the recommendations, we have formulated **Ten Measures to Strengthen Israel's Parliamentary Democracy**. We are working toward its implementation along two tracks: direct appeal to the political echelon and aiding the implementation of legislation; appeal to the general public to explain, persuade and call for support, and if necessary, to action.

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## **Amnon Lipkin-Shahak**

Chairman of Save Israeli Democracy



## **Hanoeh Marmari**

Director of Save Israeli Democracy

A political system is judged by its weaknesses, how it functions during difficult periods, and its ability to deal with crises. This is the seventh decade of Israeli parliamentary democracy, and even though the political system has successfully weathered potentially crippling crises, we have the sense that of late it has lost some of its strength, both as a result of the difficulties it faces on a daily basis and because of its own structure. The reports of the research group of the Israel Democracy Institute confirm this assessment.

There is no vacuum in the political universe. When the power of the parliamentary democracy is attenuated, we face the risk that people will call for replacing the current system with a new one. Thus, we have two related concerns: (a) that the system should be able to function properly, and (b) that it should be able to survive initiatives to institute a new form of government in its stead, one which, to the best of our knowledge, would be ill-suited to the conditions in Israel and the character of Israeli society.

Like any structure, the system of government requires a periodic overhaul—not so that the system can be replaced, but so that it can be strengthened. We should attend to the weak points of the system, redress the problems that have developed over time, and adapt the government to life in the current decade. According to the members of the research group and the Forum for Political Reform, far-reaching changes—in society, technology, and communications—have taken place and continue to take place in Israel and worldwide. We have proposed a series of correctives to the structure of the system of government. If all of our proposals are instituted, we expect to see a significant improvement in how the government operates, which in turn will have a positive effect on the quality of the work performed by our elected officials and public servants.

Every political system has difficulty with self-examination. The political organizations and elected officials are concerned with their own survival, and the necessity of dealing with ongoing crises generally precludes a calm, clearheaded discussion of structural correctives,

some of which are liable to be painful. It is against this background that we present the research findings of the team of academics, senior members of the political system, and former civil servants—all of whom were willing and eager to lend their time and accumulated experience to the project. Because the corrective process is a long one, we are ready to take immediate action to address the damage wrought by a prolonged period of neglect.

The implementation of a comprehensive program of reform requires supporters and allies. We believe that we will be able to find people in the political system who share our ideas, and that together we will make a modicum of progress. Our most important ally, however, is the Israeli public. We will have to galvanize the public, convince the Israelis of the merits of our agenda, and win public support. We will not hawk a magic pill or promise miracles, but will make it clear that the recovery process will be tortuous and at times torturous. By definition, this process will demand patience, stamina, the willingness to overcome obstacles and difficulties, and a commitment to reject short cuts.

We will have to do a reality check and put an end to the cycle of elected officials who demean themselves (and their office) by courting the shallow media, whose reporting is consumed by an Israeli public which long-ago lost faith in its representatives. This cycle is a minefield, and we will work to reverse it. We will have to appeal to the public and draw Israelis back to the political arena. We will have to start from square one and emphasize that parliamentary democracy is vital to the existence of the State. We will have to persuade the public that it is essential that we correct and perfect the current system, and, conversely, that we not tilt after windmills and abandon parliamentary democracy. We will have to devote ourselves to changing how the media covers the political system, to participating in substantive discussions, and to curbing scrutiny of issues that are either marginal or irrelevant to the subject at hand. These steps are necessary for us to reap maximal benefit from the structural correctives.

**We believe that we will be able to find people in the political system who share our ideas, and that together we will make a modicum of progress. Our most important ally, however, is the Israeli public. We will have to galvanize the public, convince the Israelis of the merits of our agenda, and win public support.**

In our opinion, a representative democracy requires strong ruling parties and a powerful parliament capable of properly overseeing the work of the government—as it committed to do on the day after the elections. We believe that the public must shake off its indifference and apathy and once again appreciate that the political system is fundamental to our very existence. We hope that every man and woman in Israel will be fully committed to this effort. The discussion today is not only about a corrective but about gearing up to save the country.

# The Forum for Political Reform

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\*Participated in Forum discussions but disagreed with some of its recommendations.

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Headed by Former MK and Minister Attorney Moshe Nissim, and Former MK and Minister Attorney Moshe Shahal.

## **Committee for Reform of the Electoral System**

Headed by Former MK Prof. Menahem Ben-Sasson and Former MK and Minister Uzi Baram.

## **Committee for Improving the Work of the Knesset**

Headed by Former MK and Speaker of the Knesset Avraham Burg and Attorney Israel Maimon (Chairman).

## **Committee for Restructuring of the Executive Branch**

Headed by Raanan Dinur and Prof. David Deri, Attorney Aharon Abramowitz, Yarom Ariav, Yael German, Shawki Hatib, Attorney Tali Yaron-Eldar, Prof. Avi Israeli, Ilan Cohen, Former MK and Minister Rabbi Itshak Levy, Supreme Court Justice Emeritus Eliahu Mazza, Sallai Meridor, Dr. Udi Praver, Yossi Kucik, Rabbi Mordechai Karelitz, Yuval Rachlevsky, Dror Strum, Motty Shapira.

# **Save Israeli Democracy**

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# Ten Measures to Strengthen Israel's Parliamentary Democracy

## 1. Reward Parties that Maintain Internal Democracy

Parties that maintain internal democracy are to receive state financing for conducting intra-party elections.

## 2. Empower the Registrar of Political Parties to Supervise Party Registration

Registration for membership in a political party will be direct and personal and will identify registrants by name. The Registrar of Political Parties will supervise the process to prevent membership in more than one party without adversely affecting voter privacy or party autonomy.

## 3. Institute Open Ballots in Knesset Elections

Each party will list its Knesset candidates on its ballot. A party may open its Knesset list, enabling voters to exercise some influence on the ranking of its candidates.

## 4. Raise the Electoral Threshold to 4%

To be represented in the Knesset, a party will have to obtain more than 4% of the popular vote. This measure, to be introduced gradually, will encourage small parties to combine into blocs.

## 5. Strengthen the Knesset and Improve Its Performance

Institute a series of amendments and regulations to improve the quality of legislation, render committee work more efficient, and intensify supervision of the cabinet, increase the number of active MKs (who are not cabinet ministers or deputy ministers) and ultimately increase the total number of MKs to 180 to achieve optimal performance.

## **6. Limit the Number of Cabinet Ministers and Deputy Ministers**

Amend the Basic Law: The Government to stipulate that the government will appoint no more than 18 cabinet ministers and six deputy ministers. To guard against repeal of this law, as had occurred previously, a two-thirds majority should be required.

## **7. Accord the Head of the Largest Party First Right to Form a Government**

The head of the party that receives the largest number of votes will be the first called upon to form a government. This measure will encourage parties to form larger political blocs before the elections, each potentially capable of obtaining a plurality and forming a government.

## **8. Institute a Constructive Vote of No Confidence**

MKs seeking to bring down the government without disbanding the Knesset will have to present an alternative government supported by an absolute majority of the Knesset. At present, all that is required is Knesset support of an alternative prime minister.

## **9. Redefine Working Relations between Cabinet Ministers and Senior Officials**

To boost governmental efficiency, it is necessary to redefine the responsibilities of gatekeepers (auditors and legal advisors) and to reevaluate relations between elected representatives and key civil servants and between local and central government. In some cases, authority must be delegated from the ministries to administrative agencies and local government.

## **10. Add a Regional Component to Knesset Elections**

The country will be divided into electoral districts paralleling the existing geographic districts delineated by the Ministry of the Interior. Each district will be represented in the Knesset according to its voter population (no fewer than five representatives per district). A combination of regional and nationwide ballots is likely. Regional elections will reinforce contact between the public and its elected officials, raise the electoral threshold and provide suitable expression for minorities and sectoral interests.