



Weekly Briefing

Lithuania political briefing:
**Lithuania's Parliament opts to lower the electoral threshold for
election in a multi-member constituency**
Linas Eriksonas

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On 21 November the Parliament of the Republic of Lithuania voted for the proposal of the amendment to the Law on Elections to Seimas (the Parliament) that would lower the electoral threshold in the upcoming parliamentary elections next year from 5 to 4 per cent for political parties and from 7 to 5 per cent for electoral coalitions. The motion for this law amendment proposal came from a smaller opposition party (the Liberal Movement of the Republic of Lithuania). It was approved thanks to the votes of the governing parties, the Lithuanian Greens and Farmers Union and its coalition partners (the Social Democratic Labour Party and the Electoral Action of Poles in Lithuania – Christian Families Alliance). The main two opposition parties - the Conservatives (the Homeland Union – Lithuanian Christian Democrats) and the Social Democrats (Lithuanian Social Democratic Party) expressed their disagreement with the proposal and voted against.

It is the second attempt this year (and most likely to be the successful one) to make changes to the electoral system in the country. The previous attempt (the proposal to lower the number of members of Parliament from 141 to 121), which was put to a referendum during the first round of the presidential elections on 12 May, failed to succeed due to the lack of quorum.(by the margin of 2,76 per cent needed to achieve 50% plus one participation of all registered voters).

Below is an overview of the arguments put forward in the attempt to make the proposed changes to the electoral system in Lithuania. It tries to explain the main drivers and the rationale behind the planned adjustments of the electoral system taking place during the last year of the current term of the Parliament, placing it into a broader context of the relationship between electoral thresholds and issues around vote-seat distribution and disproportionality.

Lithuania's electoral system is a combined system that combines in equal measure both the proportionate representation and the single-member district systems. 70 out of 141 members of Seimas (the Parliament) are elected in single-member constituencies and the rest in a multi-member constituency. The combined system is considered generally to be more favourable to minor and new parties. Nevertheless, when it comes to the threshold of exclusion, there are still significant degrees of exclusion possible in those systems as well. Legal thresholds are of the

important elements that often define an electoral system. The countries with the combined systems usually have lower electoral thresholds because such systems by default are designed to balance the political representation with the popular vote.

In 1996 Lithuania adopted a relatively high threshold for the political parties (5 percent) and the party coalitions (7 percent). The threshold aimed to debar the smaller political actors, representing more diverse positions, of entering the national politics and destabilizing the political system during the transitory period. This change indeed resulted in the consolidation of the party system in Lithuania. In the elections of 1996, five parties crossed the threshold, in the elections of 2000 – only four which would define the four major parts of the political spectrum: the Conservatives on the right, the Liberals on the centre-right, the Social Liberals on the centre-left and the Social Democrats – on the left. The elections of 2004 resulted in six parties crossing the threshold, the elections of 2008 and 2012 – even seven. In the last elections (2016) the number of the parties which were able to cross the threshold went back to six due to the majority secured by the winning Greens and Farmers Union.

The earlier attempt to remove the threshold in the Constitutional Court failed. The ruling of the Constitutional Court of 29 March 2012 stated that Paragraph 2 of Article 89 of the Law on Elections to the Seimas, insofar as it established that the list of candidates of a party could receive mandates of members of the Seimas (participate in the distribution of mandates) only if that list received not less than 5 percent of votes cast by the voters who participated in the election, and the joint list of candidates—if it received not less than 7 percent of votes cast by the voters who participated in the election, is not in conflict with the Constitution.

During the discussions about lowering electoral thresholds, two approaches clashed. A majoritarian approach adopted by the long-standing parties (the Conservatives and the Social Democrats) which due to their party networks nationally have been most successful in winning single-mandate districts, argued that what matters for representation is whether the elected majority in the legislature prefers policies favoured by a majority of the citizens. The attempts to lower the electoral threshold are considered as being inconsistent with the majoritarian vision of democracy.

Contrary to the majority approach, the proponents of lowering the threshold argued for the more open and inclusive participatory model of democracy to prevent the potential reduction in the range of represented positions and views in legislature. It might lead to a higher

level of polarization serving a potential source of instability (for example, preventing the governments serving a full term, as has been mainly the case).

Both sides agree that there is a relationship between electoral systems as defined by legal thresholds and disproportionality. The latest academic research, as well as the reports produced by the individual bodies of the Council of Europe, show that less permissive electoral systems, usually operationalized as systems with higher effective thresholds, are associated with higher vote-seat distortion. However, at the same time, it is acknowledged that high threshold systems do not necessarily lead to higher disproportionality – they merely create the potential for it. What helps to realize the potential is, what researchers assume, not so much on the level of threshold (which depends on a set of factors that are unique to each democracy) as on the fit or the correspondence between the medians of citizen and legislative preference distributions on the left-right scale. In other words, it does not matter how many parties cross the threshold as long as those parties match the distribution of the political preferences among the electorate.

The effective threshold is a concept that has been used by the political scientists to assess whether the number of political parties that gained the mandate by crossing the legal thresholds defined in a specific electoral system is the optimum from the perspective of the popular vote. The effective threshold aims to capture two properties of an electoral system. The first is its ‘upper threshold,’ i.e., an approximation of the maximum vote share a party or candidate could receive under the most adverse circumstances without winning a seat. The second is the ‘lower threshold,’ i.e., an approximation of the minimum vote share that could win a party a seat under the most favourable circumstances.

As G. Bingham Power Jr and Georg S. Vanberg argue, intuitively, the effective threshold thus provides us with a rough estimate of the difficulty of gaining seats in a given electoral system. The higher the effective threshold, the more support a party must secure, on average, in order to gain seats.

The initial method for calculating the effective threshold in electoral systems was proposed by Arendt Lijphart in 1994, based on the earlier work of the Estonian political scientist Rein Taagepera who jointly with Matthew S. Shugart in 1989 identified the variables predicting the effective threshold in relation to the magnitude of electoral district, namely, the number of seats allocated, legal thresholds, adjustment seats, other features of electoral rules, and their combinations. In 2010 Grigorii Golosov further elaborated the concept of the effective threshold by applying the Herfindahl-Hirschman measure of concentration as a computational core.

The author used the simple procedure as described by Golosov for calculating the number of effective parties using the electoral results of the last two parliamentary elections (2012 and 2016) in Lithuania in the multi-mandate constituency. The results show that the effective number of parties in the 2012 elections was 6,95 which is almost identical with the number of parties which crossed the threshold (seven), while the effective number of parties in the 2016 elections was 6,85 which was slightly above the number of parties which crossed the threshold (six). However, due to the split within the Social Democratic party the current number of the party-based fractions in the Parliament is equal to the estimated optimum effective number of parties (seven). As it is, the number of seven parties reflects the number of socio-economical groups as expressed through the preferences of the electorate. The lowering of the electoral threshold aims to fix the political system at the given polarization level that makes it impossible to achieve the majority rule of a single party.

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