

The National Electoral Threshold: A Comparative Review across Countries and over Time

Written by: Judah Troen, PhD

Approved by: Deena Tzadok, Head of Inter-Parliamentary Research

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Comparative Review

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Summary

The legal electoral threshold is a legally mandated mechanism that establishes the minimum share of votes that a party must receive in order to be represented in the legislature. Its purpose is to block entry of small parties into the legislature and thereby reduce partisan fragmentation within the legislature and enhance coalition stability—what is also known as "enhancing governability." At the same time, however, the electoral threshold is liable to infringe upon the principle of representation—a fundamental principle of democracy—and especially on the right of minority groups to be represented in parliament.

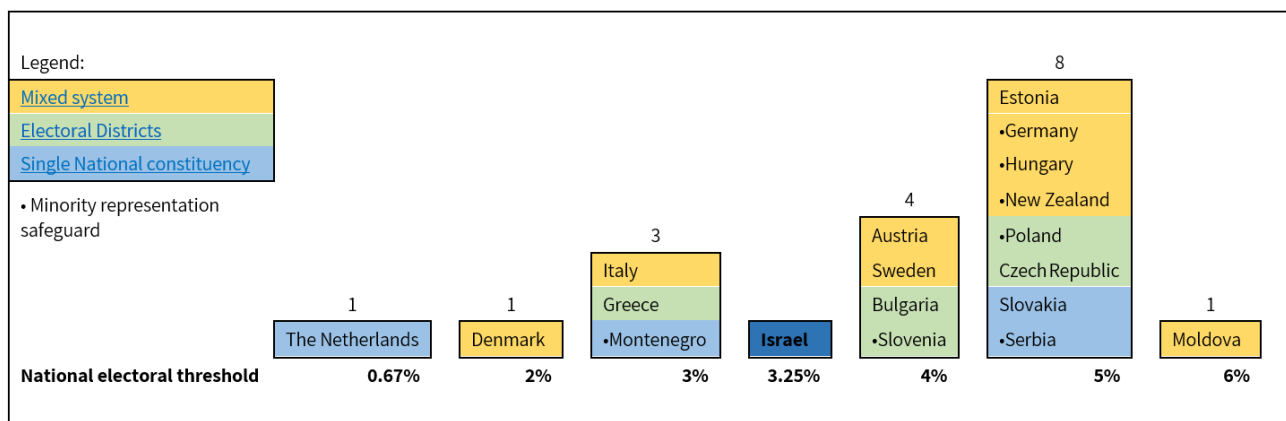
The following question therefore arises: **How high should the electoral threshold be set in order to balance the need for governability on the one hand, and the democratic principle of safeguarding minority group representation on the other hand?**

This paper examines this question from a comparative perspective.

Chapter 1 briefly discusses theoretical aspects of the legal electoral threshold.

Chapter 2 presents data on the electoral threshold in Israel and 18 other democracies with a **national** electoral threshold, according to the type of electoral system. The main findings of this chapter are summarized in Chart 1. **Note that the countries reviewed are of different electoral systems** (single national constituency, electoral districts, and mixed systems); **within each of these systems the electoral threshold functions somewhat differently**, as will be detailed in the paper below.

Chart 1: The electoral threshold in Israel and 18 other democracies, by threshold percentage and electoral system



The chart reveals the following points:

- Of the 19 countries reviewed (including Israel), **16 set the electoral threshold between 3% and 5% of the votes cast; the electoral threshold in Israel—at 3.25%—is within this range.** Only the Netherlands and Denmark set a lower threshold (0.67% and 2%, respectively), and only Moldova set a higher threshold (6%).
- The most common threshold, found in eight of the countries, is 5%.

- Seven of the countries we reviewed (marked with a dot) employ various safeguards to prevent or mitigate the **possible infringement upon ethnic minority representation** due to the electoral threshold.

Chapter 3 presents **information on the frequency of changes to the electoral threshold** in 20 countries since the late 1940s. The main findings from this chapter are:

- Most of the countries have instituted no changes or just one change to the national electoral threshold, and **only Israel has changed the electoral threshold four times.**
- In the past decade, only two countries have changed their electoral threshold—Israel and Italy. During the past two decades, six changes to the electoral threshold have been recorded—two in Israel, and one each in Iceland, Italy, Romania, and Slovenia.
- In all, there have been 25 changes to the legal electoral threshold over the years. **The general trend has been to increase the electoral threshold:** most of the changes (20 cases) are increases in the electoral threshold, while only a minority of the changes (five cases) lowered the threshold.

This document has two appendices: Appendix A discusses the difference between imposing the electoral threshold at the district rather than national level. Appendix B examines the effect of changes to the electoral threshold on the extent of wasted votes in Israeli elections, and suggests that **it is not possible to determine that raising the electoral threshold leads to a higher percentage of wasted votes.**

1. Introduction

The legal electoral threshold is the percentage of votes that, by law, a party must obtain in order to gain representation in the legislature.¹ As such, it serves as a barrier that keeps small parties out of the legislature.² In parliamentary systems, where the Government rests on support from a coalition of parties, a major justification for barring entry of small parties into the legislature is the desire to reduce partisan fragmentation of parliament and thus enhance coalition stability. This consideration is also referred to as "enhancing governability."

¹ In Israel and many other countries, this threshold is defined as a percentage of the votes, but it may be defined in other ways, as well. In some cases, the threshold is determined in absolute numerical terms, i.e., a sort of quorum of voters required to obtain representation. As a result, the accepted term in political science is "electoral threshold" rather than "threshold percentage," though the latter is the prevailing term used in the Israeli context and in the Hebrew version of this paper.

² Other mechanisms (called "electoral barriers") may also hinder small parties; these include bureaucratic requirements for registering a party and a minimum number of signatures that a party must collect in order to run in the elections, the allocation of airtime for broadcasting election propaganda based on party size, and cases of party financing laws that pose particular difficulties to small or new parties. For further discussion, see: Gideon Doron and Moshe Maor, *Barriers to Entry into Israeli Politics* (Tel Aviv: Papyrus, 1989) [Hebrew].

However, barring entry of small parties is also liable to infringe on the right of minorities (whether ethnic, religious, or ideological) to be represented in parliament.

The following question therefore arises: **How high should the threshold be set so as to balance the need for governability on the one hand, and the democratic principle of enabling minority group representation on the other hand?** In this paper, this question is examined from a comparative perspective. The paper is divided into the following chapters:

- Chapter 1 briefly discusses theoretical aspects of the legal electoral threshold.
- Chapter 2 presents data on the electoral threshold as it is applied in Israel and 18 other democracies in which a **national** electoral threshold is imposed. Democracies are divided by the type of electoral system. Although there is no agreed-upon definition of the desirable threshold, this paper indicates that **of the 19 democracies reviewed (including Israel), 16 have set an electoral threshold of between 3% and 5%.³ The electoral threshold in Israel, at 3.25%, lies within this range.** Only the Netherlands and Denmark have set a lower threshold (0.67% and 2%, respectively), while only Moldova has set a higher threshold (6%).⁴
- Chapter 3 presents **information on the frequency of changes to the electoral threshold** in 20 countries since the late 1940s.

We emphasize at the outset that the legal electoral threshold is used as an element of many electoral systems that differ greatly from one another; these include both systems with a single national constituency and systems with multiple electoral districts, as well as mixed systems that combine elements from both. Bearing this in mind, it is important to distinguish between a nationwide electoral threshold, which is determined for the entire country and is calculated from all the votes nationwide—as is the practice in Israel—and a threshold set at the district level, which takes into account only votes within the district and which cannot be compared to the threshold in Israel. (For an explanation of why a district-level electoral threshold is not comparable to a national-level threshold, see Appendix A). **In this paper, the term "legal electoral threshold" refers to the percentage of nationwide votes, unless mentioned otherwise, and**

³ We note in this context that the European Union guidelines prescribed that each country may set its own electoral threshold for the national elections for the European Parliament, **provided that the threshold does not exceed 5%**. See: Office for Promotion of Parliamentary Democracy, *Electoral Systems: The Link between Governance, Elected Members and Voters* (European Parliament, 2011), p. 84.

⁴ There is also the example of Turkey, which instituted an especially high electoral threshold of 10% in 2002. That year, Turkey received a Polity score (which measures democracy) of 7 (10 is full democracy, -10 is full autocracy), but its score fell to 3 in 2015 (i.e., partial democracy) and further to -4 in 2016 and 2017 (i.e., partial autocracy). Therefore, Turkey is mentioned anecdotally in this paper but is not included in the democracies that are reviewed.

We note in this context that, in 2008, the European Court for Human Rights discussed a petition against Turkey's 10% electoral threshold. In its ruling, the court affirmed the electoral threshold on the grounds that reducing partisan fragmentation in parliament is a legitimate objective, but the decision was also based on provisions within Turkey's electoral system that ensures some representation for the Kurdish minority. See: European Commission for Democracy through Law, [Report on Thresholds and Other Features of Electoral Systems which Bar Parties from Access to Parliament](#), 15 March 2010, accessed 31 December 2018.

therefore the countries reviewed are all democracies where a **national electoral threshold** is an element of elections to the legislature.

2. Theoretical Aspects of the Electoral Threshold

2.1 The Natural Mathematical Threshold and the Number of Seats in a District

First, it is important to emphasize that even in the absence of a legally defined electoral threshold, the entry of candidate lists to the legislature is limited by a **natural mathematical threshold**, which is derived from the electoral system and the characteristics of the specific election. The significance of the legal electoral threshold in an election system is best understood when examined in comparison to the natural mathematical threshold, which exists even in the absence of a legal threshold.

The level of the natural threshold, above which winning a seat in the legislature is certain, is derived from the number of seats in the electoral district

(known as “district magnitude”).⁵ The fewer the seats in an electoral district, the higher the percentage of votes needed to win a seat (see box). Therefore, a large number of small parties is characteristic mainly of national elections with a single electoral district and a large number of seats—as is the practice in Israel.

In places where elections are determined on the district level, small parties have lower chances of success, and the number of such parties decreases the lower the number of seats per district.⁶ In countries where this is the practice—the majority of

The number of seats in a district and the mathematical threshold—an example

An accepted formula for the natural mathematical threshold above which victory is assured is $1/(M + 1)$, where M is the number of seats in the electoral district. Thus, the threshold in a district with only one seat is $1/(1 + 1) = 50\%$, and in a district with 100 seats, the threshold is $1/(100 + 1) = 0.99\%$. **In this paper, when we refer to the natural mathematical threshold, we refer to this threshold calculated by this formula.**

This means that a candidate in an electoral district with just one seat must obtain 50% of the votes (plus one more vote) to ensure victory. In a district with 100 seats, the candidate needs just under one percent of the votes (0.991%) to ensure a seat.

In Israel, with 120 seats, were it not for the legal electoral threshold, 0.83% of the votes would be enough to secure a seat in the Knesset.

⁵ In principle, there is an accepted distinction between the **lower threshold**, below which there is no mathematical feasibility of winning a seat, and the **upper threshold**, above which winning a seat is certain and absolute. Between these two thresholds, winning a seat is not certain, but it is possible. In other words, whereas the legal electoral threshold is fixed and absolute, there is also an effective mathematical threshold between certain exclusion and certain inclusion, which varies in accordance with the particular characteristics of each election cycle. **The effective threshold** between the lower and upper thresholds can be used to compare different electoral systems, but there is no agreement between researchers on how to calculate it. For further discussion, see: Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies 1945–1990* (Oxford: Oxford University Press, 1994), pp. 25–30; Michael Gallagher and Paul Mitchell (eds.), “Appendix C: Effective Threshold and Effective Magnitude,” in Michael Gallagher and Paul Mitchell (eds.), *The Politics of Electoral Systems* (Oxford: Oxford University Press, 2005), pp. 607–620; Carina S. Bischoff, “National Level Electoral Thresholds: Problems and Solutions,” *Electoral Studies* 28 (2008): 232–239.

⁶ The smallest electoral districts are those with one representative. This is the practice in the US, where, in effect, there are only two parties.

countries in the world—an alternative way of limiting the entry of small parties to the legislature is to reduce the number of seats in the electoral district. This raises the natural mathematical threshold within the district, making it more difficult for small parties to win a seat in the district and, consequently, in the national legislature.⁷ Thus, a transition from a nationwide system to a district-based system (i.e., from a single district with a very large number of seats to many districts, each with a few seats) should reduce small parties' chances of success. This can be illustrated by a scenario in which Israel's nation-wide electoral district, with 120 seats, is replaced with a district system—twelve electoral districts with ten seats each. The total number of seats would remain 120, but the mathematical threshold that would secure a single seat in a district (assuming no legal electoral threshold) would be 9% of the votes in the district.⁸

2.2 Justifications and reservations

As mentioned above, the main argument for setting a legal electoral threshold is the need **to enhance governability** by reducing the fragmentation of the legislature among a large number of small parties. However, we note that the converse can also be argued, namely that reducing the number of factions "will limit the flexibility of the large parties building a coalition, both when forming a Government and while serving their term."⁹

The legal electoral threshold was first set in West Germany after World War II. In that case, the reason was a desire **to prevent the representation of the radical fringes of German politics** given the history of the rise of Nazism and the risk that this party might once again raise its head.¹⁰

The main reservation regarding an electoral threshold is its **infringement upon the principle of representation**, as mentioned above, which is expressed in two ways. The first is wasted votes (i.e., valid votes for parties that do not pass the threshold), because someone whose vote is not counted in the

⁷ Along with reducing the number of seats in a district, electoral districts may be added in order to maintain a fixed number of members in the legislature.

⁸ For simulations on election results in Israel under different district electoral systems, see: Raz Eizenberg and Liran Harsgor, "Apples and Oranges: Putting Electoral Thresholds in Context" in Michal Shamir and Gideon Rahat (eds.), *The Elections in Israel—2015*, pp. 47–70 (London: Routledge, 2017).

⁹ Abraham Diskin and Yitzhak Klein, "[Governability Amendments: Comments on Legislation and Proposals for Change](#)," Kohelet Policy Forum, 11 September 2013, p. 3 [Hebrew].

¹⁰ Office for Promotion of Parliamentary Democracy, [Electoral Systems: The Link between Governance, Elected Members and Voters](#), European Parliament, 2011, p. 28. It appears that such an argument is not put forth widely today, apparently because of the difficulty it poses, namely that it has not only objective, quantitative aims (i.e., reducing the number of small parties and affecting the makeup of the legislature) but also declared subjective, qualitative aims (i.e., preventing parties of a certain nature from gaining seats in the legislature). Furthermore, to the extent that the objective is to prevent representation by anti-democratic parties, this can be achieved using other, more narrowly tailored legal mechanisms. For example, Section 7a of Basic Law: The Knesset prescribes, *inter alia*: "a person shall not be a candidate for election to the Knesset, if the objects or actions of the ... person, expressly or by implication, include one of the following: negation of the existence of the State of Israel as a Jewish and democratic state; incitement to racism; support of armed struggle, by a hostile state or a terrorist organization, against the State of Israel."

allocation of the seats by definition lacks representation the legislature. The second way representation is infringed upon is when certain individuals and groups—whether ethnic, religious, and ideological—decide not to participate in the elections because they sense that they are not represented by any party with realistic chances of entering the legislature. Because the representation of ethnic minorities—groups that to begin with are more likely to experience a sense of alienation from the political and social system—is particularly vulnerable, several countries have instituted mechanisms to mitigate the potential adverse effects on these groups (see box).

The Problem of Representation for Ethnic Minorities

Several states have instituted safeguards to prevent or mitigate the adverse effects of electoral thresholds on the representation of ethnic minorities. These include:

- **Exemptions from the electoral threshold** for parties representing legally recognized ethnic minorities in Germany, Serbia, and Poland (all of which have a comparatively high electoral threshold of 5%);
- **Some relief** from the electoral threshold is granted to national minorities in Hungary and Montenegro;
- **Special electoral districts**, which guarantee the representation of ethnic minorities, exist in New Zealand and Slovenia.

2.3 Wasted votes

As mentioned, the wasting of votes is one manifestation of the infringement upon the principle of representation. Furthermore, the fact that votes are wasted also means that parties that successfully pass the electoral threshold are over-represented in parliament, thus diminishing the proportionality of the system.¹¹ In certain cases, wasted votes could even tip the balance in favor of an ideological bloc that received fewer valid votes but nonetheless obtained a majority of the seats.¹²

Admittedly, even in the absence of a legal electoral threshold, votes for parties that fail to pass the natural mathematical threshold will be wasted. Nonetheless, a high legal electoral threshold can be expected to increase the extent of this phenomenon because more parties will fail to pass the threshold. Conversely, a high electoral threshold may actually reduce the number of wasted votes because small parties—whose chance of winning seats are slim to begin with—opt to not run in the election (or to unite in a joint list, see Section 2.4 below), which prevents wasting the votes that would have been cast for them.

The percentage of wasted votes in **Israeli** elections fluctuates, and the impact of changes to the legal electoral threshold on this volatility is unclear (see Appendix B).

In contrast, the case of **Turkey** illustrates that setting an especially high legal electoral threshold risks wasting votes, but that this risk may be averted once voters and parties adapt to the new threshold. In 2002,

¹¹ On the link between the electoral threshold, wasted votes, and the proportionality of the system, see: Ofer Koenig, "[The Electoral Threshold, Wasted Votes, and Proportionality](#)," Israel Democracy Institute, 26 January 2015.

¹² Avraham Diskin and Yitzhak Klein, "Governability Amendments: Comments on Legislations and Proposals for Change," Kohelet Policy Forum, 11 September 2013 [Hebrew]; Gideon Doron, *Presidential Regime for Israel* (Jerusalem: Karmel, 2006), pp. 58–59 [Hebrew].

when Turkey held its first elections using the especially high electoral threshold of 10%, some 46% of the votes were wasted. These results greatly infringed upon the principle of representation and severely distorted the proportionality of the elections (because parties that successfully passed the threshold were allocated seats representing nearly twice their share of the overall votes).¹³ Thirteen years later, however, in the 2015 Turkish parliamentary election, fewer than 5% of the votes were wasted.¹⁴

2.4 Joint Party Lists

One expression of the political systems adaptation to increments in the legal electoral threshold is the running together of several small parties in a joint list¹⁵ in an effort to increase their chances of passing the electoral threshold. Thus, the decision to raise the electoral threshold to 3.25% for the elections for the Twentieth Knesset in 2015 led four Arab parties to run jointly despite ideological differences.¹⁶ In the elections for the Thirteenth Knesset in 1992, small parties feared that they would not pass the new electoral threshold (which stood for the first time at 1.5%). As a result, Mapam and Shinui joined a third, larger party—Ratz—to form Meretz together, while the Hassidic Agudat Israel party and the "Lithuanian" *haredi* Degel Hatorah (which had split off from Agudath Israel in 1988) ran together as the joint Yahadut Hatorah (United Torah Judaism) list.¹⁷

Here, too, the fundamental tension between the principles of governability and representation is noticeable. Because it may reduce the fragmentation of the legislature and enhance governability, a joint list of small parties running together is desirable. In addition, the necessity of running together may improve stability by moderating the positions of small parties; because these parties are competing for the same

¹³ Andrew Reynolds et al., *Electoral System Design: The New International IDEA Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance, 2005), p. 28.

¹⁴ The participation rate in these elections (calculated as the number of valid ballots cast as a proportion of the total number of people registered in the voter rolls) was about 82%; twenty parties ran in the elections, but only four parties—which together received more than 95% of the votes—won seats.

We note in this context that in Turkey, where voting is mandatory by law and the failure to vote is liable to result in penalties, the voting rate is generally high. Therefore, the reduced percentage of wasted votes in 2015 can be attributed to the switch from voting for small parties that did not pass the electoral threshold to voting for large parties, and this development is not the result of a decline in the voting rate. See: Comparative Study of Electoral Systems, [Module 4: Macro Report \(Turkey\)](#), accessed 30 December 2018.

¹⁵ Various terms are used to describe this practice, *inter alia*, alliances, joint lists, electoral coalitions, and electoral blocs. This diverse terminology likely reflects divergence in the particularities of the legal arrangements used in different countries.

¹⁶ Ofra Idelman, "The New Arab List: Joint, Not United," *Haaretz*, 30 January 2015 [Hebrew]. See in particular the comment by MK Jamal Zahalka, who is quoted as saying, "After the electoral threshold was raised, we began to discuss how to turn the curse into a blessing and how to overcome the electoral threshold. This is the first time in all of Arab history that the communists, Islamists, and the nationalists have united ... We said from the outset that we would put ideological differences aside and jointly focus on the politics in the parliamentary context, in which what unifies us outweighs our differences."

¹⁷ Gideon Doron, *Presidential Regime*, p. 59 [Hebrew].

voter segment it is likely that running individually, they would express more extreme positions so as to differentiate themselves from one another.¹⁸ By running in a joint list, "at least some of the disputes will be resolved through alliances and not brought into the Knesset, which is already divided into many factions."¹⁹

However, some argue that a joint list composed of several parties poses a fundamental problem as it narrows the range of positions and is detrimental to representation. Moreover, practically speaking, so long as no guarantee exists that the joint lists will not separate into their original parties following the elections, the joint lists may not actually reduce fragmentation in the legislature.²⁰

We note in this context that many countries (Israel included) allow several parties to run together as a joint list, while other states prohibit this practice (though the prohibition may be difficult to enforce). Some countries (such as Poland and the Czech Republic) that allow for joint lists force such lists to meet a higher threshold. Such measures are likely meant to close what is perceived as a legal loophole that would bypass the general electoral threshold.²¹

2.5 Frequency of Change, Pace of Adaptation, and the Political Interest

The aforementioned example of the votes wasted in Turkey after the electoral threshold was set at 10% illustrates that the political system—both parties and voters—may need time to adapt to the change in the legal electoral threshold. The question arises, how long does such a process take? Moreover, if further changes to the electoral threshold are desired, how many election cycles should pass from one change to the next? In other words, how much time is needed to assess whether the change achieved the desired effect? Some have suggested that it is preferable to institute a series of small, predetermined increments instead of a single sharp change, as this could allow for gradual adaptation.²² However, there is no

¹⁸ See Chen Friedberg, et al., "The Proportional System and the Legal Electoral Threshold in a Comparative Perspective," in Gideon Rahat et. al. (eds.) *Reforming Israel's Political System*, pp. 31–45 (Jerusalem: Israel Democracy Institute, 2013), p. 38 [Hebrew].

¹⁹ Gideon Rahat, "Don't Touch the Electoral Threshold," Israel Democracy Institute, 25 October 2015 [Hebrew].

²⁰ In Israel, there have been numerous splits within parliamentary groups over the years, and the issue was first settled in 1991 (Assaf Shapira, "Splitting the Labor Parliamentary Group," Israel Democracy Institute, 18 January 2011 [Hebrew]). Until the dissolution of the Twentieth Knesset, with the electoral threshold at 3.25%, the joint lists (the Joint Arab List, Jewish Home, and United Torah Judaism) functioned as joint parliamentary groups and did not split following the elections.

²¹ We note in this context that a legislative amendment in **Bulgaria** to set different electoral thresholds for parties (4%) and joint lists (8%) was dismissed in 2009 by the Constitutional Court, which interpreted the provision as contravening a section in the constitution that ensures equal opportunities in elections. See: Electoral System Change in Europe Since 1945, [Bulgaria](#), p. 20, accessed 30 December 2018.

²² Ofer Koenig, "The Electoral Threshold, Wasted Votes, and The Proportionality of The System," Israel Democracy Institute, 14 January 2015 [Hebrew]; Gideon Rahat et. al. (eds.) *Reforming Israel's Political System* (Jerusalem: Israel Democracy Institute, 2013), p. 114 [Hebrew].

agreement as to what constitutes a "sharp" or a "gradual" change.²³ In addition, comparing the frequency of changes to the electoral threshold in twenty democracies over the years indicates that, in general, countries rarely change their national electoral threshold. **Most countries have not changed the electoral threshold at all or have changed it only once; only Israel has changed the electoral threshold four times (see Chapter 4).**

It is important to note that the **extent and frequency of the changes may stem from political interests and not only from a reevaluation of the basic principles of the democratic system—i.e., the principle of governability versus the principle of representation.** It appears that small parties that do not pass the electoral threshold or that withdraw their candidacy during the election campaign are the ones that stand to lose from an increased electoral threshold; in contrast, mid-sized and large parties should gain strength at the expense of the small parties and should therefore benefit from raising the electoral threshold.

However, the opposite situation is also possible, i.e., small parties are actually the ones seeking to **raise** the electoral threshold in order to prevent competition from rival parties, which might threaten them. For example, the Tehiya party was one of the sponsors of the effort to raise the electoral threshold ahead of the elections for the Thirteenth Knesset in 1992, apparently in order to prevent erosion of its strength by potential rivals that were posed to challenge it.²⁴ Moreover, larger parties may even be the ones seeking to **lower** the electoral threshold hoping to split lists that have united—and thereby reduce their power. One thought is that some of these smaller parties will run alone and fail to pass the electoral threshold, thereby reducing the power of those parties' common voter base.²⁵

Changing the electoral threshold may also influence the distribution of power between the blocs. After the electoral threshold was raised for the elections for the Thirteenth Knesset (1992), "the right wasted more than 100,000 votes in those elections (including approximately 32,000 that went to the Tehiya party). Were it not for the change to the electoral threshold, these votes would have been added to the tally for the right, enabling Likud leader Yitzhak Shamir to assemble a solid coalition [instead of Yitzhak Rabin]."²⁶

²³ Political scientist Arend Lijphart proposed in his comparative study of electoral systems that a 20% or greater change in the threshold should not be considered as merely a technical adjustment, but a significant change in the electoral system. However, this is an arbitrary definition for research purposes, and has no empirical support. Arend Lijphart, *Electoral Systems and Party Systems*, p. 13.

²⁴ The sponsors of the law included MK Gershon Shafat from Tehiya, who, in the preliminary vote, asked to raise the electoral threshold from 1% to 2.5% (in practice, it was raised to 1.5%). See: Twelfth Knesset, *Knesset Minutes*, Session 262, 4 February 1991, p. 4. On the motivations of the Tehiya movement, see Gideon Doron, *Presidential Regime*, pp. 58–59 [Hebrew]. In the end, Tehiya did not pass the electoral threshold—which it would have done had the threshold remained at its prior level.

²⁵ Verter, Yossi, "[Commentary—What Hides Behind Netanyahu's Initiative to Lower The Electoral Threshold?](#)" *Haaretz*, 21 September 2018 (updated: 4 December 2018), accessed 30 December 2018.

²⁶ Gideon Doron, *Presidential Regime*, pp. 58–59 [Hebrew].

Therefore, **political players may seek to change the electoral threshold in a way that they believe will benefit them in the immediate future—based on current developments in the political map—rather than long-term, system-wide considerations based on principle.** Short-term political motivations may lead to frequent changes in the electoral threshold in a way that will undermine stability and lessen public confidence in the fairness of the electoral system. Therefore, a question might arise concerning the proper way of legislating changes to the regime, in which political entities and candidates alter the "rules of the game" by which they themselves are bound.²⁷

3. Comparing the National Legal Electoral Threshold: The Single National Constituency, Electoral Districts, and the Mixed System

This chapter reviews the electoral threshold applied in legislative elections²⁸ in 18 democratic countries, beginning with four countries with a single national constituency and proportional system—like the one used in Israel. Below, we also review five additional countries with multiple electoral districts that nonetheless maintain a national electoral threshold, and nine countries with a mixed electoral system in which some of the seats are allocated using a national-proportional electoral system, and to these seats a national electoral threshold applies.²⁹

Common to all these countries is the use of a national electoral threshold like the one applied in Israel.³⁰

²⁷ Regarding the initiative to lower the electoral threshold, political scientist Prof. Gideon Rahat warned of a "major problem in our political landscape—the frequent changes in the rules of the game, which are driven by immediate political-partisan interests with a short view (which is frequently wrong, as shown by analysis of the previous increases [of the electoral threshold] and the results of these moves), rather than a real vision for the regime. It is not legitimate that every time someone thinks that changing the rules of the democratic game is advantageous—he changes them" (Gideon Rahat, "Don't Touch the Electoral Threshold," Israel Democracy Institute, 25 October 2017 [Hebrew]). It is interesting to note in this context that a 2001 constitutional reform in Greece prescribed that changes to the electoral system could be passed by an ordinary majority, but in such a case, **the changes do not take effect immediately, but only for the second elections following the amendment.** For the amendment to come into effect immediately, a special two-thirds majority is required. See: Electoral System Change in Europe since 1945, [Greece](#), accessed 30 December 2018, p. 20.

²⁸ In countries with a bicameral legislature, the comparison is to the lower house of the legislature, which is the primary representative of the public and which conducts most of the legislative work. In addition, members of the lower houses in all the countries are elected in general elections (in contrast to the upper house, to which members are appointed—rather than elected—in some countries).

²⁹ Unless stated otherwise, information is taken from the Inter-Parliamentary Union (IPU) PARLINE database, from which data were retrieved in December 2018. Note that electoral systems may change occasionally and that a certain lag is possible between the changes to the country's electoral system and the update to the database; in general, however, PARLINE is an authoritative and up-to-date source.

³⁰ The review covers European democracies—whether they were democracies at the end of World War II or became democracies later (many in the early 1990s following the collapse of the Communist bloc)—and New Zealand. The review does not cover countries that hold proportional elections, but do not apply a national electoral threshold (such as Ireland, Belgium, Portugal, Finland, Chile, and Switzerland) or countries that apply the winner-takes-all system (usually without any electoral threshold), such as the US, UK, France, and Canada. Countries were classified

Note that countries whose system is based exclusively on majoritarian districts are not included in the review, because such systems are not generally conducive to a large number of parties, and, as a rule, do not employ an electoral threshold.³¹

3.1 The Single National Constituency

Israel is one of a small group of five countries that conduct elections on a **nationwide** basis;³² i.e., the country is not divided into several electoral districts (as is the practice in most countries), but rather voting for all the seats in the legislature is conducted in a single district that encompasses the entire country. Besides Israel, where all 120 Knesset seats are allocated on the basis of a nationwide count of the ballots, this system is in use in the Netherlands, Montenegro, Slovakia, and Serbia.³³ In each country, seats in the national assembly are allocated by the proportional system; i.e., each party is represented in the legislature in proportion to the number of votes it receives.

As mentioned above, in the absence of a legally determined electoral threshold, parties' entry into the legislature is restricted by a natural mathematical threshold, which is affected mainly by the number of seats in the electoral district. Countries with national elections effectively have just one electoral district and a fairly large number of seats, from 81 in Montenegro to 250 in Serbia (see Table 1). Consequently, these countries have a low natural mathematical threshold, from 0.4% of the votes in Serbia, to 0.83% in Israel, to 1.22% in Montenegro. This implies that in the absence of a legal threshold, the tension between governability and the principle of representation will be prominent in countries with national elections, including Israel: on the one hand, **a very high level of representation** is possible because even small minority groups on the margins of society may win representation in the legislature; but on the other hand, **governability may be impeded** in such situations because the fragmentation of the legislature—which is exacerbated by the large number of small parties—can make it extremely difficult to build stable coalitions.

as democracies if they were scored 8 or higher in the 2017 Polity IV Project, an accepted political science index for determining the degree of democracy in a country. The score ranges from 10 (full democracy) to -10 (full autocracy).

³¹ Under majoritarian systems, such as the “first-past-the-post” single member constituencies in the US and UK, among other countries, the number of electoral districts is the same as the number of members of the legislature, and the candidate (usually from one of the two big parties) who receives the most votes is elected from each district. For further information about the various electoral systems and the differences between them, see Susan Hattis Rolef, *Proposals for Changing Israel's System of Government and Electoral System: A Review*, Knesset Research and Information Center, 3 October 2010 [Hebrew]; Andrew Reynolds et al., *Electoral System Design: The New International IDEA Handbook*, International Institute for Democracy and Electoral Assistance, 2005.

³² Eizenberg and Harsgor, “Apples and Oranges,” p. 64.

³³ Note that the current 101-seat parliament of **Moldova**, is also elected by national elections, applying an electoral threshold of 6% for parties, 9% for joint lists of two parties, and 11% for joint lists of three or more parties. However, in 2017, the electoral system was comprehensively reformed, so that the elections slated for 2019 are to be held using mixed district electoral system with national excess seats, similar to the German model (see Section 2.3 below). On the national system which was replaced, see: Mette Bakken and Sorescu Adrian, *Electoral System Design in Moldova*, Promo-LEX Association, accessed 30 December 2018.

**Table 1: The Legal Electoral Threshold in States with Proportional-Nationwide Elections
(including Israel)**

State	Total seats in the legislature	Natural mathematical threshold	Electoral threshold	Comments
Montenegro	81	1.22%	3%	When no party among those registered as representing a minority group (up to 15% of the population) passes the electoral threshold, those that nevertheless secured 0.7% of the votes are entitled to have their votes counted together as if they were a single list. If none of the parties that represent the Croat minority pass the electoral threshold, even in the way described above, a single seat will be allotted to the largest party of this minority, provided that it wins at least 0.35% of the votes.
Netherlands	150	0.66%	0.67%	Since the electoral threshold is close to the natural mathematical threshold, it has virtually no practical significance
Serbia	250	0.40%	5%	Exemption for parties representing ethnic minorities defined by law
Slovakia	150	0.66%	5%	
ISRAEL	120	0.83%	3.25%	

In practice, all of these countries, with the exception of the Netherlands, have defined a legal electoral threshold that limits a party's ability to win seats in the legislature, though it may improve governability. In the Netherlands, the legal electoral threshold is the same as the natural mathematical threshold, which means that it is effectively meaningless. The legal threshold in the other countries ranges from 3% in Montenegro, to 3.25% in Israel, to 5% in Slovakia and Serbia. In countries that carry elections in a single nationwide constituency, the legal electoral threshold somewhat hinders the otherwise high degree of representation that this system affords; at the same time, it also alleviates problems of governability by preventing particularly small or sectoral parties from entering the legislature, thereby reducing the chance of parliamentary fragmentation. Moreover, special arrangements for ethnic minorities, like those in Montenegro and Serbia, may further mitigate the infringement upon representation.

The electoral threshold in Israel

Israel has conducted proportional-national elections since it gained independence in 1948. No legal electoral threshold was applied for the 1949 elections for the Constituent Assembly, which became the First Knesset. However, the seats were allocated in such a way that parties were required to receive 1/121 (0.83%)

of votes to gain a seat; i.e., they had to pass the natural mathematical threshold.³⁴ A legal electoral threshold has been in place since the elections for the Second Knesset; this period can be divided in four sub-periods,³⁵ as shown in Table 2:

Table 2: The Electoral Threshold in Israel, Constituent Assembly (1949) through the Twentieth Knesset (2015)

Electoral Threshold	0.83%	1%	1.5%	2%	3.25%
Minimum number of Knesset seats per list	One seat	One seat	Two seats	Two seats	Four seats ³⁶
Knesset assemblies elected with this electoral threshold	Constituent Assembly—First Knesset (1949–1951)	2 nd – 12 th Knesset (11 Knesset assemblies, 1951–1992)	13 th – 16 th Knesset (4 Knesset assemblies, 1992–2006)	17 th – 19 th Knesset (3 Knesset assemblies, 2006–2015)	Twentieth Knesset (2015)

Of the four sub-periods, the first – in which the electoral threshold was 1% – was also the longest; it lasted from the Second Knesset until the Twelfth Knesset—a total of eleven Knesset assemblies and 41 years. In advance of the elections for the Thirteenth Knesset (which took place in 1992), the electoral threshold was raised to 1.5%; it remained at this level through the Sixteenth Knesset—a total of four Knesset assemblies and 14 years. From the Seventeenth Knesset to the Nineteenth Knesset—three Knesset assemblies and nine years—the threshold stood at 2%, and since the Twentieth Knesset, the electoral threshold has been set at 3.25%. As such—and as is evident from Table 2—**changes to the legal electoral threshold are becoming more frequent, so that the amount of time during which the threshold stands at a given level is becoming shorter** (11 Knesset assemblies, 4 Knesset assemblies, 3 Knesset assemblies, and 2 Knesset assemblies—at the time of writing).

³⁴ Section 30(a) of the Elections for the Constituent Assembly Ordinance 5709-1948. [Hebrew]

³⁵ Each subperiod is taken to begin with the first election for which the electoral threshold was set at a given level, even though, as a matter of course, the statutory amendment altering the electoral threshold had been approved at an earlier date.

³⁶ Strictly speaking, 3.25% of 120 is 3.9 seats; while this figure could theoretically be rounded down to three seats (depending on the distribution of surplus votes for the other lists), the scenario is unlikely. According to Prof. Avraham Diskin, even 3% of the votes "is de facto four seats." See: 19th Knesset, Constitution, Law, and Justice Committee, Protocol 0, [Basic Law: Government \(Amendment\) \(Enhancing Governability\) Bill and Knesset Elections Law \(Amendment 61\) \(raising the electoral threshold and enhancing governability\) Bill, 5773-2013](#), 5 February 2014, p. 4 [Hebrew].

3.2 District Systems in which the National Electoral Threshold Refers to the Aggregate Vote of the Different Electoral Districts

In district elections, the country is divided into several electoral districts, each with a varying number of legislative seats. Many countries employ this system, but only in a few is the allocation of a district's seats conditioned on a national electoral threshold (see the box for an illustration). As Table 3 shows, in countries with district elections and a national electoral threshold, the applicable threshold ranges from 3% in Greece, to 4% in Bulgaria and Slovenia, to 5% in Latvia, Poland, and the Czech Republic. It should be noted that **multiple small parties is not a problem which characterize district elections**, because the number of seats in each district is generally fairly low. Consequently (because of the high mathematical threshold), the proportion of votes needed to win a seat in a district is fairly high, which hinders small parties from winning representation.

Parties of minorities are exceptions to this rule if the minority group is concentrated in geographical regions that overlap with the electoral districts. A party that represents an ethnic minority can gain representation in the parliament if it earns a high percentage of the vote in the relevant electoral district—even if it only earns a small percentage of the general vote. In this way, electoral districts may enable the representation of ethnic minorities, and special districts sometimes exist for this very purpose (e.g. the districts for the Italian and Hungarian minorities in Slovenia). However, in the absence of such an arrangement, it seems that **the unique effect of a national electoral threshold in the context of district elections is to limit the entry of local parties (i.e., those whose support does not cut across geographical regions) into the national legislature.**

Example of a National Threshold in District Elections: The Czech Model

All 200 legislature seats in the **Czech Republic** are elected in 14 districts. The legal electoral threshold in the Czech Republic is set at 5% of the national votes. This means that even if, for example, a party wins 20% of the votes in one of the 14 districts (such that it should win the district's seats), it may only fill the seats if it obtains enough votes in other districts to obtain at least 5% of the votes nationwide.

Table 3: The Legal National Electoral Threshold in Countries with District Elections

Country	Total Seats in Legislature	No. of districts ³⁷	No. of Seats per District, range (average)	Legal National Electoral Threshold	Notes
Bulgaria	240	31	2–15 (7.7)	4%	The electoral threshold refers to parties (either independent or as part of a joint list; the distinction in the election law between parties and joint lists was overturned in a ruling by the Constitutional Court) An independent candidate (not affiliated with any party) is not subject to the electoral threshold. ³⁸
Czech Republic	200	14	5–25 (14.3)	5%	The threshold for joint lists is 10% for two parties, 15% of three parties, and 20% for four or more parties.
Greece³⁹	300	56	1–44 (4.25) ⁴⁰	3%	The electoral threshold applies to the 238 district seats, but only those who win seats in districts may share in the allocation of the remaining seats (i.e., in Greece, as in the other countries in the table, a party that does not meet the electoral threshold has no representation at all.)
Poland	460	41	7–19 (11.2)	5%	The threshold for joint lists is 8%. Parties of minorities are exempt from the electoral threshold.
Slovenia⁴¹	90	11	8	4%	The electoral threshold applies to 88 seats, divided into eight districts of eleven seats each. There are also two special election districts, one for the Italian minority and one for the Hungarian minority, each of which elects a representative through the winner-takes-all system. The electoral threshold does not apply to these two districts.

³⁷ When the country is divided into several tiers, we refer here to a district in the lowest tier (first tier).

³⁸ Electoral System Change in Europe since 1945, [Bulgaria](#), accessed 30 December 2018.

³⁹ Of the 300 seats, 238 are divided into districts; 12 additional seats are at-large, allocated on the basis of parties' performance at the national level, and the remaining 50 seats are granted as a bonus to the biggest party. For further information, see, Yael Taib, [Legal Arrangements for the Addition of Seats as a Bonus to the Largest List in the Legislature—A Comparative Study](#), 23 July 2015 [Hebrew].

⁴⁰ Details regarding the allocation of seats by electoral district can be found on the website of the Greek Ministry of the Interior, accessed: 31 December 2018.

⁴¹ [State Election Commission of Slovenia](#), accessed 12 December 2018; [English-language Slovenian government information portal](#), accessed 12 December 2018.

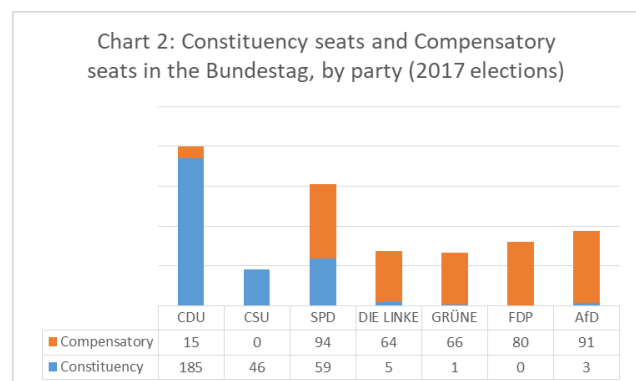
3.3 Mixed Systems in which the National Electoral Threshold Only Applies to Some Seats in the Legislature

Many countries have chosen to combine several electoral systems in the elections for the legislature. One such combination is electoral districts and national-level elections, so that some of the seats are allocated by district (proportional or winner-takes-all) and the remaining seats are allocated using the proportional-national system. We will refer to systems of this kind as mixed systems. In the review of countries with mixed systems, **we note not only the level of the legal electoral threshold, but also the number of seats in the legislature to which this threshold applies.**

By way of illustration, we shall describe the system **in Germany**, which is considered a pioneer of the mixed electoral system. In Germany, voters cast two ballots: one for a single candidate (who is usually running on the ticket of a given party) in the voter's electoral district, and one for a party, which is counted in the nationwide constituency. Out of a minimum of 598 representatives in the Bundestag,⁴² half are elected in district elections, and half are allocated by the national elections using the following methods:

- **299 constituency seats** divided into 299 single representative electoral districts, in which the candidate is chosen by the **first-past-the-post system**; i.e. the candidate who receives the most votes in the district wins. Under this system, candidates from large parties tend to win, and support for small parties is usually insufficient to win the seat—so that votes for the smaller parties are wasted. Therefore, the distribution of seats under this system benefits the big parties and is not proportional. **These seats are not subject to any legal electoral threshold.**

- **299 seats (at least), allocated at the national level, and called "compensatory seats"** because they are used to compensate parties (usually the small parties) that are under-represented in the district elections. The compensatory seats are allocated among the parties and are added to the 299 constituency seats in such a way that every party is represented in the national legislature proportionately to its share of the national vote. If necessary, additional "overhang seats" are added to the 299 original compensatory seats to ensure



the proportionality of representation at the national level. For example, a total of 410 compensatory seats were needed in the 2017 elections to make the elections proportional (see Chart 2).⁴³ Thus, **the legal electoral threshold in Germany applies to the compensatory seats—at least 299 in**

⁴² The starting number of seats in the Bundestag is 598, but in Germany—as in other countries with the compensation system—there are situations in which the proportional system requires the addition of seats. At the time of writing, the Bundestag had 709 serving members, i.e., 111 seats more than the starting number.

⁴³ Processed data from [Elections results](#) (English) on the German Federal Ministry of the Interior website, accessed 17 December 2018.

number. Parties may be allocated these seats only if they pass the 5% threshold of national votes or earn at least three constituency seats.

Other countries that also use a mixed system with compensatory seats are listed in Table 4. While these systems may differ in various ways,⁴⁴ all apply a specific legal electoral threshold to national compensatory seats, which are allocated according to the proportional system.

Table 4: National Electoral Threshold and the Applicable Excess Seats in Countries with Mixed Elections

Country	Total No. of Seats in the Legislature ⁴⁵	No. of Compensatory Seats and their Proportion of the Total Seats in the Legislature	National Legal Electoral Threshold for the <u>Compensatory Seats</u>	Notes
Austria	183	About half of the seats ⁴⁶	4% <u>or</u> one regional seat	
Denmark	179	40 (22.3%)	2% <u>or</u> at least one district seat <u>or</u> obtaining a vote share equivalent to a seat in two of the three provinces ⁴⁷	
Estonia	101	26 (25.7)	5%	
Germany	598	299 (50%)	5% <u>or</u> three district seats	Minorities are exempt from the 5% threshold ⁴⁸
Hungary	199	93 (46.7%)	5%	The electoral threshold for joint lists is 10% for two parties and 15% for three or more parties. Hungary has 13 registered minorities, whose parties are eligible to receive the first seat with 1/4 of the votes required for an ordinary seat.
Italy	630	398 (63.8%)	3%	10% for joint lists (only the votes of the parties on lists, which won at least 1% of all votes are counted for this purpose) ⁴⁹
Moldova⁵⁰	101	50 (49.5%)	6%	8% for joint lists
New Zealand	120	49 (40.8%)	5% <u>or</u> at least one district seat	Representation of the indigenous Maoris is guaranteed by seven special districts where this population is concentrated
Sweden⁵¹	349	39 (11.2%)	4%	

⁴⁴ Differences include **the number of ballots** (in Germany and New Zealand, for example, voters use two ballots—one for the district, one for the national party—while in Denmark and Sweden, voters use a single ballot for both the district elections and the compensatory seats); **district type** (single candidate using the first-past-the-post system in Germany and New Zealand, while Denmark and Sweden have multi-seat districts in which seats are allocated by the proportional system); **and the total number of members of the legislature** which is either fixed (as in Austria) or variable (as in Germany and New Zealand).

The data in the Table 4 indicate that the national electoral threshold varies between 2% (Denmark) and 6% (Moldova). In addition, the percentage of the excess seats varies between countries, and it ranges from 11.2% of the total seats in the Swedish legislature to 63.2% in Italy. In some cases, parties that win representation in enough constituencies may be able to obtain excess seats on the national level even if they do not meet the national electoral threshold: In Germany, a party can "bypass" the electoral threshold and participate in the allocation of compensatory seats by winning three district seats (i.e., representatives of three different districts, for a total of approximately 0.5% of seats in the legislature), whereas in Austria, Denmark, and New Zealand even one district seat is sufficient for this purpose (0.55% of the seats in the legislature in Austria and Denmark, 0.83% of the seats in New Zealand).

4. Frequency of Changes in the National Electoral Threshold in 20 Democracies

The changes in the national electoral thresholds in 20 democracies, including Israel, are depicted in Chart 3. The countries in the chart can be divided into three groups (from left to right): those that have been democratic since the late 1940s; Greece and Cyprus, which have been democratic since the 1970s; and countries in Central and Eastern European, which became democratic following the dissolution of the Soviet bloc, since 1990.⁵²

⁴⁵ The minimum number of seats, which may increase as needed for the excess seats (for example, Germany added 111 seats above the minimum).

⁴⁶ Austria allocates the seats in three tiers: regional constituencies, super-regional (provincial) constituencies, and a single, national district. The electoral threshold applies to the second and third tiers. Unallocated seats at the regional tier are transferred for allocation at the provincial tier and then at the national tier in a way that compensates for non-proportionality at the lower tier. However, in contrast to the German model, **there is no fixed and predetermined number of seats allocated at each tier**. Nonetheless, in the four elections that took place between 1994 and 2002, an average of 54% of the seats were allocated at the first tier; therefore, in those years, parties were required to meet the electoral threshold in order to participate in the allocation of the remaining 46% of the seats. See: Wolfgang C. Müller, "Austria: A Complex Electoral System with Subtle Effects," in Michael Gallagher and Paul Mitchell (eds.), *The Politics of Electoral Systems*, (Oxford: Oxford University Press, 2005), pp. 397–415.

⁴⁷ Denmark has three electoral tiers: ten **multi-member constituencies**, three **electoral provinces** (each of which includes three or four multi-member constituencies), and the **national level**. What is meant by votes equivalent to a seat in a province is that the number of votes received in a given province is at least as large as the total votes in that province divided by the total seats in that province. A party that meets this threshold in two of the three provinces is exempt from the national electoral threshold of 2%. In practice, it almost never happens that a party obtains the required number of votes in two provinces without also meeting the national electoral threshold. See: Folketinget, *The Parliamentary Electoral System in Denmark*, p. 7, accessed 3 December 2018.

⁴⁸ German Federal Election Act, Section 6 (3), accessed 20 December 2018.

⁴⁹ Italian Parliament website, accessed 19 December 2018.

⁵⁰ The current Moldovan parliament was elected under the national-proportional system, which is also used in Israel. However, the 2019 elections will be held under the mixed electoral system, pursuant to the elections reform enacted in 2017. For a description of the previous national-proportional system, see: Mette Bakken and Adrian Sorescu, *Electoral System Design in Moldova*, Promo-LEX Association, accessed: 30 December 2018.

⁵¹ It should be noted that it was also possible to classify Sweden in the category of states with a district electoral system with a national electoral threshold (see 3.2 above), because the 310 district seats are elected in the district elections under a 4% national electoral threshold (or a 12% district electoral threshold)

Chart 3 shows the electoral threshold in each of the aforementioned 20 democracies by year. Each color represents the level of the electoral threshold as indicated in the legend. The level of the electoral threshold is listed from the first year in which it was instituted. Thus, for example, in **Germany**, the 5% electoral threshold was instituted in 1953 and remains at this level until the present. This is represented in the illustration by a single period with no changes to the electoral threshold. By contrast, in **Italy**, the electoral threshold changed three times; thus, the illustration shows four periods, each of which has a different electoral threshold in its own color—0% (1946–1955), 1% (1956–1992), 4% (1993–2017), and 3% (since 2018).⁵³

Chart 3 also shows that in the past decade, **only two countries have changed their electoral threshold—Israel and Italy**. During the past two decades, electoral thresholds have been changed six times—twice in Israel and once each in Iceland, Italy, Romania, and Slovenia.

Note that a change in the electoral threshold might be a single specific change, it may be part of a limited package of amendments to the electoral system, or it may be part of a comprehensive reform. The recent reduction in the electoral threshold in Italy was part of a comprehensive reform of the entire electoral system, whereas the reduction of the electoral threshold in the Netherlands in 1956 was a side effect of a purely "technical" change to the electoral system—increasing the number of Members of Parliament from 100 to 150.⁵⁴

As can be seen in Table 5, the general trend over the years has been to raise the electoral threshold: most of the changes (20 cases) are increases in the electoral threshold, while only a minority of the changes (five cases) lowered the threshold.

⁵³ The period for a given electoral threshold begins with the first election for which it was in force, even though, as a matter of course, the statutory changes to the electoral threshold were approved at an earlier date.

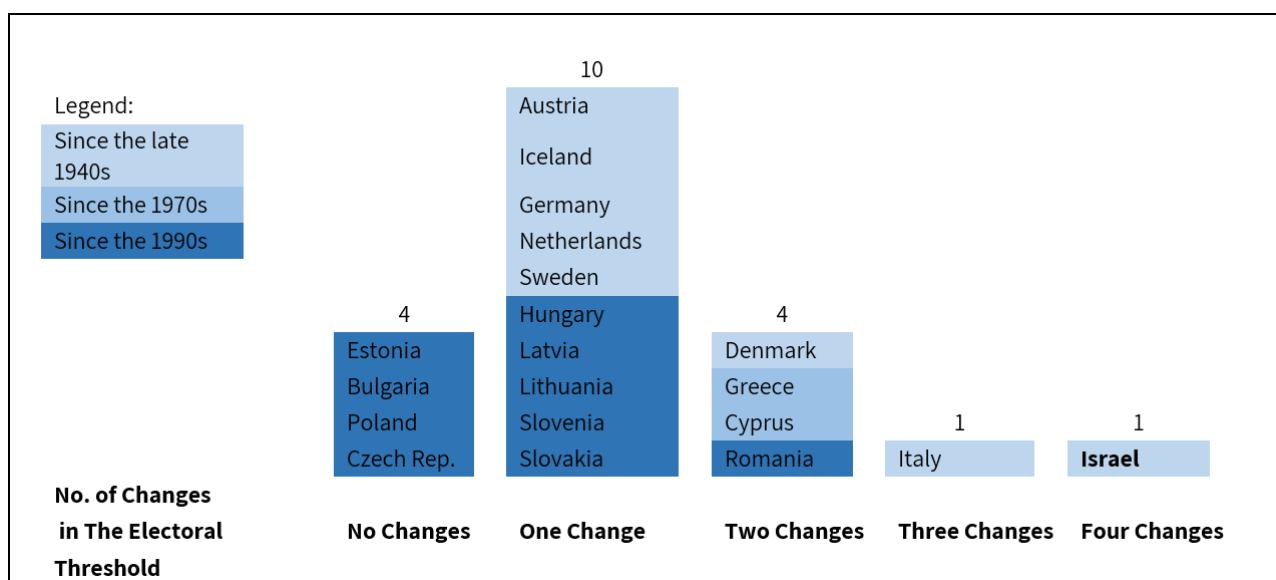
⁵⁴ The increase in the number of seats effectively lowered the natural threshold from 1% to 0.67%. *Electoral System Change in Europe since 1945*, [The Netherlands](#), accessed 30 December 2018, p. 8.

Table 5: Summary of Changes in the Electoral Threshold in 20 Countries

		Increase	Decrease	Total Changes
Total	State (No. of Election Cycles)	20	5	25
Democracies since the late 1940s	Austria (21)	1	0	1
	Italy (19)	2	1	3
	Iceland (23)	1	0	1
	Germany (19)	1	0	1
	Denmark (26)	1	1	2
	Netherlands (22)	0	1	1
	Israel (20)	4	0	4
	Sweden (21)	1	0	1
Democracies since the 1970s	Greece (15)	1	1	2
	Cyprus (10)	1	1	2
Democracies since the 1990s	Estonia (7)	0	0	0
	Bulgaria (10)	0	0	0
	Hungary (8)	1	0	1
	Latvia (8)	1	0	1
	Lithuania (7)	1	0	1
	Slovenia (8)	1	0	1
	Slovakia (8)	1	0	1
	Poland (9)	0	0	0
	Czech Republic (9)	0	0	0
	Romania (8)	2	0	2

Chart 4 summarizes the data on the number of changes to the national electoral threshold in the various countries. Fourteen countries have instituted no changes or just one change to the national electoral threshold, four instituted two changes, one instituted three changes, and **only Israel has instituted four changes to the electoral threshold. Of the eight countries that have been democratic since the late 1940s (including Israel), five have instituted just one change to the electoral threshold, one (Denmark) instituted two changes, and one (Italy) instituted three changes.**

Chart 4: Number of Changes to the Electoral Threshold in 20 Democracies, According to the Country's Place in the Wave of Democratization



Appendix A: District Electoral Threshold

In some countries that use electoral districts, the legal electoral threshold requires parties to win a proportion of the votes **in the district**. For example, this is the situation in Albania, Belgium, Spain, and Croatia. Albania and Spain prescribe that a party that fails to win at least 3% of the **votes in a district** will not win a seat in that district, while Belgium and Croatia set the threshold at 5% of the votes.

Table 6: Legal District Electoral Threshold in States with District Elections

State	Total seats in the legislature	Maximum district size	Natural <u>district</u> mathematical threshold	Legal <u>district</u> electoral threshold
Albania	140	32	3.03%	3%
Belgium	150	24	4.00%	5%
Spain	350	35	2.78%	3%
Croatia	151	14	6.67%	5%

Though they share a common name—"legal electoral threshold"—there is a major difference between a **national** threshold, like that reviewed so far in this paper, and a **district** threshold.

Although in both cases, the electoral threshold limits the entry of small parties into the legislature, it is incorrect to compare a national threshold with a district threshold. Moreover, there is no way to express a legal or mathematical electoral threshold that applies to one tier in the terms of another tier.

One reason for this is that each district in the country has a different number of seats that are contested in the elections. Thus, a single country may have a district with a few seats and a high mathematical threshold abutting a district with a high number of seats and low mathematical threshold (see Table 3, above).

But even when all the electoral districts are identical, differences in the voting rate between the districts render any calculation of a national electoral threshold meaningless, because the

Why It Is Not Possible to Express a District Electoral Threshold in Terms of a National Threshold—An Example

Consider a state which has twenty seats in the national legislature. These are allocated from two identical electoral districts: each district has ten seats, exactly one million registered voters, and a legal district electoral threshold of 10%. Assume further that, on election day, the voting rate in one district is 100%—i.e., all one million voters cast a ballot. Conversely, in the second district, only ten voters exercised their democratic right to vote—i.e. a voting rate close to zero. All the million votes in the first district go to the Green Party, and the ten votes in the second district go to the Red Party.

Both parties will win the same number of seats in the legislature despite the vast difference in the number of votes that they won (therefore, the elections are proportional at the district tier, but not at the national tier). Consequently, **the district electoral threshold in the two districts is the same, but completely different at the national tier**: out of a total of one million and ten votes, **just one vote was sufficient to win representation in parliament from the Red district, i.e., the electoral threshold was one millionth (0.0001%) of the national votes; in the Green district, however, 100,000 votes were needed for this purpose, i.e. the electoral threshold was 10% of the national vote.**

Calculating the national electoral threshold as an average of the district thresholds is meaningless, because it does not hold in either district.

weight of each district in the total national vote varies based on the voting rate in that district. In other words, the weight of each district is not a fixed characteristic of the electoral method but is based on the actual voting rate in each district in each election (for an illustration of the problematic nature of such a comparison, see the example in the box above).⁵⁵

The distribution of the support for a party—i.e., whether supporters are concentrated in one district or uniformly spread across the entire country—is significant in this respect, as demonstrated by the results of the 2008 elections in Spain. As Table 7 shows, the UPD earned just 1.2% of the total votes in the country, but still passed the 3% district electoral threshold in the Madrid district, where it won one seat. In contrast, the ERC obtained just 1.16% of the national vote—i.e., slightly **less** than the UPD—but nonetheless won three seats in the national legislature, two in the Barcelona district and one in the Girona district (both in Catalonia).⁵⁶ How could a party winning fewer votes nationwide still earn more seats? The explanation for this phenomenon is that the votes for the ERC were concentrated in two districts, which gave it enough votes to win seats in both districts, whereas the votes for the UPD were “spread thin” across

Table 7: Spanish election results, 2008

Party	Percentage of Votes	No. of Seats
PSOE	43.87%	169
PP	39.94%	154
IU	3.77%	2
CiU	3.03%	10
PNV	1.19%	6
UPD	1.19%	1
ERC	1.16%	3
BNG	0.83%	2
CC-PNC	0.68%	2
NA-BAI	0.24%	1

several districts, so that it failed to meet the district electoral threshold except in the Madrid district.⁵⁷ Both parties exceeded the 3% district electoral threshold in the districts where they won seats, but neither received more than 1.2% of the national vote; had there been a 3% national legal threshold, neither party would have won representation. Consequently, applying only a district threshold makes it possible for minorities that are geographically concentrated in a given district to win representation, which would have been denied them had the threshold been applied on the national level.

Appendix B: The Electoral Threshold and Wasted Votes in Israel

The proportion of wasted votes in Israel is shown in Chart 5.⁵⁸ As can be seen, the rate is highly variable. Only in two cases was there a consistent trend across three election campaigns (an increase from the Second Knesset to the Third and Fourth Knessets, and a decrease from the Tenth Knesset to the Eleventh and Twelfth Knessets). In all the other cases, the trend reverses every two elections—e.g., a decrease in the

⁵⁵ For elaboration on the difficulty in going from one tier to the next, see: Carina S. Bischoff, “National level electoral thresholds: Problems and solutions,” *Electoral Studies* 28 (2008): 232–239.

⁵⁶ The national data is from the [Spanish Ministry of the Interior](#) website, accessed 30 December 2018.

⁵⁷ Data on the distribution of votes and seats in the Madrid district are from the [election results page](#), on the Interior Ministry website, accessed 30 December 2018.

⁵⁸ The data are taken from the results of the Knesset elections as published on the Knesset website. The wasted votes are obtained by deducting the total votes of lists that passed the threshold (i.e., that won seats in the Knesset) from the total valid votes.

percentage of wasted votes in the Twelfth Knesset, an increase in the Thirteenth Knesset, a decrease in the Fourteenth Knesset, an increase in the Fifteenth Knesset, and so on, through the Twentieth Knesset. However, the increases are greater than the decreases, so that over the entire period, it is possible to identify a general upward trend, from 0.6% of the votes in the elections for the Second Knesset and 2.4% in the elections for the Third Knesset, to a peak of 7.1% in the elections for the Nineteenth Knesset. The proportion of wasted votes was unusually high for the First Knesset, apparently because the political system was not yet fully formed, and many of the lists running for elections failed to pass the electoral threshold.

In view of this variability, it is not possible to determine that a change in the electoral threshold is the factor for the increase in the proportion of wasted votes. In two cases (the elections for the Thirteenth Knesset and the Seventeenth Knesset), the increase in the electoral threshold was followed by an **increase** in the proportion of wasted votes; in the two other cases (the elections for the Second Knesset and the Twentieth Knesset), the increased electoral threshold was followed by a **decrease** in the proportion of wasted votes. Moreover, there is also high variability within the periods themselves: for example, from the Seventh Knesset (1.1%) to the Eighth Knesset (4.8%), both elected when a 1% electoral threshold was in place, and between the Eighteenth Knesset (3.1%) and the Nineteenth Knesset (7.1%), both when a 2% electoral threshold was in place. In view of the variability in the percentage of wasted votes, it is not possible to determine that the electoral threshold has a direct effect on this chart. In addition, the data do not point to the existence of an adaptation period, in which an increased proportion of wasted votes in the elections following an increase in the electoral threshold is moderated in subsequent elections.

Chart 5: Proportion of wasted votes, from the 1st to the 20th Knesset
(National electoral threshold in brackets)

