

# ESCE

Electoral System Change in Europe since 1945



## Electoral System Change in Europe since 1945: the Netherlands

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With thanks to:





**Section 1: Overview of the Dutch Electoral System Changes since 1946**

The Netherlands has had a quasi-democratic governmental system since the first half of the nineteenth century. In 1917, the ‘Great Pacification’ introduced both universal male suffrage and a highly proportional electoral system; universal suffrage being particularly advocated by the socialists and Catholics, while the liberals secured a proportional list system (as opposed to the pre-1917 majoritarian system) to prevent their complete eradication from parliament. Since 1917, this electoral system has proved remarkably stable; or, as van der Kolk (2007) puts it, the Netherlands has travelled the ‘long road from PR to PR’. The most important tweaks before World War II were the heightening of the electoral threshold and the introduction of LM-D’Hondt instead of LR-Hare; both measures slightly reduced the system’s proportionality. In 1946, the post-war emergency government organized elections based on the pre-war electoral law. These elections will be the starting point of this summary. The post WWII period is characterised by relatively small changes, with the underlying system of strong PR remaining constant. In 1956 the size of the parliament was increased from 100 to 150 resulting in a *de facto* increase in the proportionality of the system. In 1973 the possibility to present joint lists, with parties pooling votes (known as *appartement*) was introduced. In 1989, the rules for the distribution of seats to candidates were amended to make it easier for candidates who receive a large number of personal votes to be elected, regardless of their list position. In 1997, the 1989 reform was strengthened – by lowering the quota of personal votes required for a candidate to move to the top of the party seat attribution list.

**Section 2: Relevant Electoral System changes in the Netherlands since 1945**

Law	Amendment	Date of enactment	Location	Relevant for the research
Special law regulating elections of 1946		1 March 1946		Yes
	1st amendment 1946 law	15 May 1946	<a href="#">link</a>	No
	2nd amendment 1946 law	6 July 1946	<a href="#">link</a>	No
	3rd amendment 1946 law	18 March 1948	<a href="#">link</a>	No
	4th amendment 1946 law	16 February 1949		No



1951 electoral law	3 July 1951	No
1st amendment 1951 law	18 March 1953	No
2nd amendment 1951 law	30 July 1953	No
3rd amendment 1951 law	25 February 1954	No
4th amendment 1951 law, regulating the amendment of the assembly size	9 February 1956	Yes
5th amendment 1951 law	27 November 1957	No
6th amendment 1951 law	22 May 1958	No
7th amendment 1951 law	20 November 1963	
8th amendment 1951 law	26 March 1965	No
9th amendment 1951 law	25 November 1965	No
10th amendment 1951 law	25 April 1968	No
11th amendment 1951 law	4 March 1970	No
12th amendment 1951 law	11 March 1971	No
13th amendment	30 August 1972	No



1951 law		
14th amendment 1951 law, regulating the introduction of apparentement	23 May 1973	Yes
15th amendment 1951 law	27 February 1974	No
16th amendment 1951 law	1 May 1975	No
17th amendment 1951 law	27 October 1976	No
18th amendment 1951 law	5 March 1977	No
19th amendment 1951 law	30 March 1977	No
20th amendment 1951 law	27 August 1980	No
21st amendment 1951 law	25 March 1981	No
22nd amendment 1951 law	27 January 1982	No
23rd amendment 1951 law	26 October 1983	No
24th amendment 1951 law	25 September 1985	No



	25th amendment 1951 law	12 December 1985	No
	26th amendment 1951 law	27 March 1986	No
	27th amendment 1951 law	18 December 1986	No
	28th amendment 1951 law	14 January 1987	No
	29th amendment 1951 law	11 February 1988	No
<b>1989 Electoral Law</b>		28 September 1989	Yes
	1st amendment 1989 law	25 October 1989	No
	2nd amendment 1989 law	2 November 1993	No
	3rd amendment 1989 law	16 December 1993	No
	4th amendment 1989 law	23 December 1993	No
	5th amendment 1989 law	12 December 1996	No
	6 <sup>th</sup> amendment 1989 law	10 October 1997	No
	7 <sup>th</sup> amendment 1989 law, regulating the lowering of the preferential vote barrier	2 July 1997	Yes



8 <sup>th</sup> amendment 1989 law	2 July 1997	No
9 <sup>th</sup> amendment 1989 law	6 November 1997	No
10 <sup>th</sup> amendment of the 1989 law	17 December 1997	No
11 <sup>th</sup> amendment of the 1989 law	15 March 2001	No
12 <sup>th</sup> amendment of the 1989 law	20 December 2001	No
13 <sup>th</sup> amendment of the 1989 law	9 September 2004	No
14 <sup>th</sup> amendment of the 1989 law	28 April 2005	No
15 <sup>th</sup> amendment of the 1989 law	7 September 2006	No
16 <sup>th</sup> amendment of the 1989 law	22 March 2007	No
17 <sup>th</sup> amendment of the 1989 law	25 September 2008	No
18 <sup>th</sup> amendment of the 1989 law	29 October 2009	No

### **Section 3: Details of previous electoral systems and electoral system changes.**

#### ***3.1 The 1946 Electoral System***



As noted in the introduction, the system in place in 1946 was a proportional system using flexible lists.

*Assembly size.* The size of the Dutch lower house (“Tweede Kamer der Staten-Generaal”) is fixed in article 51, section 2 of the Dutch basic law, stating that “The Lower House shall consist of one hundred members”.

*Districts and district magnitude.* Article 31 of, and table A to, the 146 Electoral Law regulate the existence of thirteen electoral districts (“kieskringen”). However, articles 98, 99 and 100 of the same law regulate a central distribution of seats, as well as the possibility to pool votes for lists that are exactly the same over different districts. *De facto*, this leads to one district at-large.

*Nature of votes that can be cast.* Ballots are arranged horizontally by party lists. While the procedure for ordering the lists is quite complicated, this procedure in fact boils down to an order in which the largest party in the outgoing parliament is placed at the far left side of the ballot, and the other parties which are already in parliament to the right of the largest party, in order of their respective faction sizes in the incumbent parliament. Parties which are not represented in the outgoing parliament, are placed to the right of the other parties, their order determined by lot (article 51, 1946 Electoral law). Each list may not contain more than twenty candidates (article 39). The parties have free choice on the order in which their candidates are (vertically) ordered on their lists (article 36). Voters can express their preference by marking a circle by one candidate with a red pencil (article 75). There is no possibility for a list vote, and any ballot on which either no preference, or more than one preference, is marked, is declared invalid (article 87).

*Party threshold.* The threshold is equal to one percent of the total number of valid votes (equal to the Hare quota); as determined in article 100b of the 1946 Electoral Law.

*Allocation of seats to parties at the lower tier.* In a first distribution round, all parties would receive as many seats as times they have reached the Hare quota (votes / seats). The remainder seats would be distributed via D’Hondt largest means, effectively transforming the complete system into the D’Hondt variant. *Apparentement*, i.e. connecting lists in order to gain (potentially) a higher number of seats, is not allowed.

*Allocation of seats to parties at the upper tier.* Not applicable.

*Allocation of seats to candidates.* A party’s seats were allocated in the first instances to any of its candidates who had won the equivalent of the intra-party Hare quota of votes: that is, a number of votes equal to the number of votes won by the party divided by the number of seats won by the party. Once a candidate had thus been elected, his or her surplus votes above the quota were transferred to the first candidate on the party’s list ordering who had not yet been elected. This continued until scope for such transfers had been exhausted (or until all the party’s seats had been filled). If seats remained to be filled, they were allocated to candidates who had achieved (after combining direct and transferred votes) half the Hare quota of votes. If seats still remained to be filled after this, they were allocated to as-yet unelected candidates in the order they appeared on the party’s list.



These rules in practice made it very difficult for candidates to get elected who would not have been elected had the lists been closed. In fact, this occurred only three times between 1946 and 1989, when the system was amended.<sup>1</sup>

Table 2: Allocation of seats at district level between 1946 and 1956

<b>Electoral district</b>	<b>Provincial constituency</b>	<b>District magnitude</b>
District at-large	District at-large	100 seats
TOTAL		100 seats

### **3.2 The 1956 Electoral Reform**

In 1956, the Dutch constitution was amended, increasing the membership of both houses of parliament by 50 percent (from 100 to 150 seats for the lower house, and from 50 to 75 seats for the upper house). This seems to have been primarily a technocratic change, reflecting the increased workload for MPs, rather than a reform which was politically inspired. Yet, the increase had the side-effect of lowering the electoral threshold, and thus increasing proportionality. This was not intended, and at the adoption of the constitutional amendment, the responsible minister suggested a sequential heightening of the electoral threshold. Such a measure was not, however, adopted, and thus proportionality was increased.

*Assembly size.* From 100 to 150 seats.

*Districts and district magnitude.* No change (apart from the automatical change of the at-large district from 100 to 150 seats).

*Party threshold.* The threshold is lowered from one to two-third of one per cent of the total number of votes (it stays equal to the Hare quota).

No other change.

Table 3: Allocation of seats at district [and provincial] level from 1959

<b>Electoral district</b>	<b>Provincial constituency</b>	<b>District magnitude</b>
District at-large	District at-large	150 seats
TOTAL		150 seats

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<sup>1</sup> Proceedings of the Dutch House of Representatives; 20264, nr. 3, pp. 57; parliamentary year 1987-1988.



### **3.3 The 1973 Electoral Reform.**

In the 1960s; the Dutch electoral system was under intense scrutiny, culminating in the work of the Cals-Donner commission on electoral reform. Its report advocated a wholesale overhaul of the system, specifically to a low-magnitude district system. However, while close to being approved, the proposed system was ultimately rejected due to political contingencies (for more details, see Andeweg, 2005; van der Kolk, 2007).

Two components of the report, however, remained standing and were eventually adopted into electoral law. The most prominent change, which does not fall under the scope of this project, is the abolition of compulsory attendance at the polling station. A lesser change, but one that did actually have a (potential) effect on elections, was the introduction of the possibility of connected lists, or *apparentement*. This allows parties to cumulate the votes between them, thus increasing the chance of obtaining remainder seats. The objective of this reform, as becomes clear from the parliamentary debate surrounding it, was that parties would be more inclined to cooperate in general, thus reducing the fragmentation of the Dutch political arena. Whether this objective is in fact met, is doubtful; in 1989, at the evaluation of the electoral law, the Dutch legislature acknowledged that this objective had failed to materialize.

However, this reform did have some other consequences. Because seats are, within combinations, distributed by LR-Hare, combining lists is somewhat in favour of small parties teaming up with large parties. Large parties might occasionally even lose seats by allowing a list combination. This might be reason for large parties to eschew such combinations, but they still prove fairly popular. If there is any change on the proportional–majoritarian axis, we would rather argue that this reform makes the system slightly more proportional. However, the implications are small and the exact results of the reforms might be subject to debate.

*Allocation of seats to parties at the lower tier.* [Short description].

Introduction of *apparentement*: votes for different lists are allowed to be cumulated within the vote count procedure. Within the list combinations, seats are allocated through LR-Hare.

No other change.

### **3.4 The 1989 Electoral Reform**

In 1989, a new electoral law was adopted; which is, with some amendments, still in force today. While quite an ingenious new system concerning the distribution of seats among parties was envisaged by three Dutch mathematicians, this system was eventually rejected, precisely for being too ingenious (and besides that, because actors were accustomed to the old system). However, the mechanism of distributing seats within parties was substantially changed. Before 1989, the so called vote transfer rule (which stated that a candidate, once being chosen, transfers his/her surplus votes to candidates which as yet have not sufficient votes to be chosen, in the order of the list) made it, together with some procedural loopholes, close to impossible for individual candidates to be chosen outside of the order of the list. The 1989 revision aimed to make it easier for candidates to be chosen on a personal platform, as well as



to simplify the procedure to decide who would actually be chosen. Clearly, this reform made the barrier towards being elected on a personal platform lower, thus bolstering personalization of politics.

*Allocation of seats to candidates.* [Short description].

Seats are allocated to candidates through a two-step process. First, all candidates with a number of votes equal to or greater than one half of the intra-party Hare quota are selected. If the total number of candidates thereby selected does not exceed the total number of seats allocated to the party, all of these candidates are elected. If this number exceeds the number of seats allocated to the party, the candidates with the highest numbers of votes are elected. If the total number of seats allocated to the party exceeds the number of candidates in the first step, the remaining seats are allocated via list order.

No other change.

### **3.5 The 1997 Electoral Reform**

The reform of 1997 (first implemented at the 1998 elections) focused on the relation between party lists and preference votes, pulling the nature of Dutch elections somewhat more to personalization; The relevant measure (the lowering of the threshold for obtaining a seat on preference votes from 50 percent of the Hare quorum to 25 percent of the Hare quota) was part of a broader package with technical electoral reforms. The lowering of the threshold was hardly contested (which might have been surprising, since a similar measure was rejected only eight years earlier), apart from some smaller parties which questioned the high frequency of electoral reforms. Some parties argued for an even stronger pull towards personalization (groep-Nijpels proposed a further lowering of the threshold to 10 percent; the conservative-liberal VVD even suggested the introduction of a complete open-list system), but neither of these options seemed to have been under serious consideration.

*Allocation of seats to candidates.* Seats are allocated to candidates through a two-step process. First, all candidates with a number of votes equal to or greater than one quarter of the Hare quota are selected. If the total number of candidates thereby selected does not exceed the total number of seats allocated to the party, all candidates are elected. If this number does exceed the number of seats allocated to the party, the candidates with the highest numbers of votes are elected. If the total number of seats allocated to the party exceeds the number of candidates in the first step, the remaining seats are allocated via list order.

No other change.

## **Appendix**

## **References**



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