

ESCE

Electoral System Change in Europe since 1945



Electoral System Change in Europe since 1945: Croatia

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Section 1: Overview of Croatian Electoral System Changes since 1990

Croatia's first democratic elections, held in 1990, were conducted via a majoritarian two-round system in single-member districts. Independent Croatia's first elections, in 1992, used a different system: Mixed Member Majoritarian (MMM). The 1992 MMM system combined single member plurality (SMP) and closed-list PR (d'Hondt) without any mechanism for the PR seats to compensate for partisan disproportionality in the single seat districts. MMM was replaced with a straight closed-list PR electoral system in 1999, and this system is still in force for Croatia's elections today, with only very slight modifications. The Constitution contains only general stipulations relating to the electoral system, and these have not changed since 1992. Article 72 says, "The Croatian Parliament shall have no less than 100 and no more than 160 deputies elected on the basis of direct, universal and equal suffrage by secret ballot." Article 73 stipulates a four-year term and says that methods of election will be determined by law.

Section 2: Relevant Electoral System changes since 1990

Table 1. Summary of Croatian Electoral Laws and Amendments since 1990

| Law | Amendment | Date of enactment | Location | Relevant for the research |
|-------------|--|-------------------|---|---------------------------|
| NN 007/1990 | | 17 Feb 1990 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/1990/0073.htm | Yes |
| NN 056/1990 | New constitution replacing tri-cameral parliament with unicameral parliament | 22 Dec 1990 | | Yes |
| NN 022/1992 | | 25 Apr 1992 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/1992/0489.htm | Yes |
| | NN 001/1993 | 6 Jan 1993 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/1993/0003.htm | No |
| | NN 068/1995 | 21 Sep 1995 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/1995/1193.htm | Yes |
| | NN 108/1996 | 31 Dec 1996 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/1996/2092.htm | No |
| NN 116/1999 | | 13 Nov 1999 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/1999/1854.htm | Yes |
| | NN 053/2003 | 2 Apr 2003 | http://hidra.srce.hr/arhiva/263/18315/www.n.hr/clanci/sluzbeno/2003/0679.htm | No |
| | NN 145/10 | 17 Dec 2010 | http://www.sabor.hr/Default.aspx?art=1893 | Yes |
| | NN 120/11 | 11 Oct. 2011 | http://www.sabor.hr/Default.aspx?art=1893 | Yes |



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

3.1 The 1990 Electoral System

The 1990 electoral law established a two-round majority–plurality system, which was used for all of Croatia’s parliamentary chambers. In detail:

Assembly size. There were 80 seats in the Socio-Political Council,¹ 116 in the Municipalities Council,² and 160 in the Associated Labour Council.³

Districts and district magnitude. SMDs, though with provision for districts electing two or more members for the Municipalities Council where a municipality has fewer than 20,000 citizens (Article 34 of the Electoral Act).

Nature of votes that can be cast. Single vote for one candidate (Article 44) in each of up to two rounds of voting held two weeks apart (Article 58).

Party threshold. None.

Allocation of seats to parties at the lower tier. Two-round system. In the first round, a candidate required an absolute majority and the votes of at least one third of all eligible voters in the district. If these conditions were not met, a second round was held two weeks later. All candidate who had won at least 7 per cent of the votes of those who voted in the first round – and not less than two candidates – were entitled to run in the second round. A simple plurality was sufficient to secure election in the second round.

Allocation of seats to parties in the upper tier. N.a.

Allocation of seats to candidates. As above.

¹ <http://www.izbori.hr/izbori/ip.nsf/WPDS/173A719E86F172E2C12574480031B71E?open&1>

See also the electoral results for 1990:

http://www.izbori.hr/arhiva/pdf/1990/1990_1_1_Sabor_Rezultati_Drustveno_politicko_vijece.pdf

and those pages omitted from the above pdf:

http://www.izbori.hr/arhiva/pdf/1990/1990_1_2_Sabor_Rezultati_Drustveno_politicko_vijece_dopunski_izvjestaj.pdf

² <http://www.izbori.hr/izbori/ip.nsf/WPDS/173A719E86F172E2C12574480031B71E?open&1>

³ <http://www.izbori.hr/izbori/ip.nsf/WPDS/173A719E86F172E2C12574480031B71E?open&1>

See also the electoral results for 1990:

http://www.izbori.hr/arhiva/pdf/1990/1990_1_5_Sabor_Rezultati_Vijece_udruzenog_rada.pdf

and those pages omitted from the above pdf:

http://www.izbori.hr/arhiva/pdf/1990/1990_1_6_Sabor_Rezultati_Vijece_udruzenog_rada_dopunski_izvjestaj.pdf



3.2 The 1992 Electoral Reform

The Constitution passed on 22 December 1990 replaced the old three-chamber legislature with a unicameral parliament. The Constitution itself gives few details: Article 72 says, “The Croatian Parliament shall have no fewer than 100 and no more than 160 deputies elected on the basis of direct, universal and equal suffrage by secret ballot.” Article 73 adds that the parliamentary term is four years.

The 1992 electoral law replaced the old two-round system with a mixed-member majoritarian (MMM) system using SMP to elect 64 members and closed-list PR to elect the remaining 60 members. In detail:

Assembly size. The three old chambers were replaced with a single chamber. The Constitution states that it should have between 100 and 160 members (Article 72). The 1992 Electoral Law provided for a chamber of 124 members (Article 22). But it also provided that any national minority comprising more than 8 per cent of the population as at the census of 1981 was to be entitled to additional mandates on the basis of population size as a proportion of 120 (Article 10, para. 1). If these entitlements were not initially met, extra seats could be created (and filled from the highest candidates not yet elected from the party lists from the relevant minorities) until the minimum levels were met (Article 26). So, according to this provision, and as explained in the documentation of the 1992 election results, since the Serbian minority comprised 11.5 per cent of the population, they were entitled to an extra 13 mandates, and the Jewish minority to one extra mandate.⁴ The total number of mandates allocated at the 1992 elections was therefore 138.⁵

Districts and district magnitude. 64 members are elected in SMDs, of whom 60 are elected in districts of equal size and the remaining four are elected in districts representing ethnic minorities. The remaining 60 members are elected in a single, nationwide district (all Article 23 of the Electoral Law).

Nature of votes that can be cast. The text is not very clear, but it seems that voters cast two votes: one for a candidate in an SMD and one for a party list (Article 40). Voters were presented with a list of candidates to be elected in SMDs (Article 38) and for the second tier of the election, party lists to be elected at the national level (Article 39)

Party threshold. Parties require 3 per cent of the national vote for lists to participate in the distribution of list seats (Article 24)

Allocation of seats to parties in single-member districts. SMP is used (Article 23).

Allocation of seats to parties in the upper tier. Though the system is described in an unusual way, it is mathematically identical to d’Hondt (Article 24)

⁴ http://www.izbori.hr/arhiva/pdf/1992/1992_2_2_Rezultati_Sabor_zastupnicki_dom_po_listama.pdf

⁵ This figure is the sum of the total number of mandates allocated in the SMDs, as detailed at http://www.izbori.hr/arhiva/pdf/1992/1992_2_1_Rezultati_Sabor_zastupnicki_dom_po_IJ.pdf and the number of mandates allocated through the nationwide party lists, as detailed at http://www.izbori.hr/arhiva/pdf/1992/1992_2_2_Rezultati_Sabor_zastupnicki_dom_po_listama.pdf



Allocation of seats to candidates. Lists are completely closed.

3.3 The 1995 Electoral Reform

The MMM system was retained, mixing SMP and d'Hondt as before, but the reform changed the assembly size and proportions of different types of seat. The system for allocating mandates to those representing the Serbian minority was reduced and a new provision was made for residents abroad to elect 12 deputies (Kasapović, 1996, 269-270). In detail:

Assembly size. The 1995 law introduced a new provision, 58a, whereby following the publication of the census of the population, conducted for the purpose of the electoral law, the assembly size was to be changed to 127 and an additional provision was introduced which specified that the number of candidates representing the Serbian minority was to be 3. These mandates were to be allocated to the 3 candidates with the most votes (Article 27 of the 1995 law). 127 seats were subsequently filled at the 1995 parliamentary elections.⁶

Districts and district magnitude. 32 SMDs (Article 12 of the 1995 law, amending Article 23 of the 1992 law), 80 seats in a single nationwide PR district (Article 13 of the 1995 law, amending Article 24 of the 1992 law), and a new provision was introduced for residents abroad to elect 12 deputies in a single PR district (Article 14 of the 1995 law, supplementing Article 24 with the new provision 24 a).

Nature of votes that can be cast. No change.

Party threshold. The threshold for winning seats from the national lists was increased from 3 per cent of the national list vote to 5 per cent, with additional thresholds added for coalitions, of 8 per cent for two-party coalitions and 11 per cent for coalitions of three or more parties (Article 13 of the 1995 law, amending Article 24 of the 1992 law). The same thresholds were introduced for the 12 non-resident seats, applying (presumably, through the law does not state it explicitly) to the votes cast for these lists (Article 14 of the 1995 law, introducing a new Article, 24a, to the 1992 law)

Allocation of seats to parties at the lower tier. SMP was retained.

Allocation of seats to parties in the upper tier. D'Hondt was retained (Article 13 of the 1995 law, amending Article 24 of the 1992 law).

Allocation of seats to candidates. Lists remain closed.*(Antić and Gručić, 2008, 752).

⁶ 80 through nationwide party lists, 12 to residents abroad, 32 allocated in SMDs, and an additional 3 were allocated in a separate district to candidates representing the Serbian minority. See: http://www.izbori.hr/arhiva/pdf/1995/1995_Rezultati_Sabor_zastupnicki_dom.pdf



3.4 The 1999 Electoral Reform

This reform replaced MMM with a straight list PR system. In detail:

Assembly size. There are 140 standard members representing voters who are resident in Croatia (Article 38). In addition:

1. There are also representatives for eligible voters who are not resident in Croatia, elected in the separate electoral district, number 11. Until 2010, the number of these seats depended on the numbers of votes cast. Specifically, the number of valid votes cast in all the domestic districts combined was divided by 140. The number of valid votes in the district for non-residents was divided by this number. The number thereby obtained, rounded to the nearest whole number, was the number of seats allocated in the non-residents' district (Article 44). Since an amendment passed in 2010, however, the number of these seats has been fixed at three (Article 4 of the 2010 law amending Article 8 of the 1999 law)
2. The law also provided that 5 mandates be allocated to representatives of the various national minorities (Article 16), to be elected in a separate electoral district, number 12 (Article 16 of the 1999 law, referring to the provisions in the Law on electoral districts⁷) Those representing Hungarian, Italian and Serbian nationalities were to receive one mandate each, separately; Czech and Slovak minorities were to collectively receive one mandate, and Austrian, German, Ruthenian, Ukrainian and Jewish minorities were also to receive one mandate, as a group, collectively (Article 17).

The district magnitudes and therefore the total assembly size at each election since 1999 are shown in Table 2.

⁷ Article 13, Zakon o izbornim jedinicama za izbor zastupnika u Zastupnički dom Hrvatskoga državnog sabora, <http://www.sabor.hr/Default.aspx?art=1918>



Table 2. Districts and assembly size since 1999

| District no. | District name | 2000 elections ⁸ | 2003 election ⁹ | 2007 election ¹⁰ | 2011 election ¹¹ |
|--------------|-----------------------------|-----------------------------|----------------------------|-----------------------------|-----------------------------|
| 1 | | 14 | 14 | 14 | 14 |
| 2 | | 14 | 14 | 14 | 14 |
| 3 | | 14 | 14 | 14 | 14 |
| 4 | | 14 | 14 | 14 | 14 |
| 5 | | 14 | 14 | 14 | 14 |
| 6 | | 14 | 14 | 14 | 14 |
| 7 | | 14 | 14 | 14 | 14 |
| 8 | | 14 | 14 | 14 | 14 |
| 9 | | 14 | 14 | 14 | 14 |
| 10 | | 14 | 14 | 14 | 14 |
| 11 | Residents abroad (diaspora) | 6 ¹² | 4 ¹³ | 5 ¹⁴ | 3 ¹⁵ |
| 12 | National Minorities | 5 ¹⁶ | 8 ¹⁷ | 8 ¹⁸ | 8 ¹⁹ |
| Total | | 151 | 152 | 153 | 151 |

Districts and district magnitude. As detailed above, there are 10 domestic districts, each having 14 members (Article 38), plus the non-resident district and the minority elections. The number of voters in the domestic districts “must not vary more than +/- 5%” (Article 39).

Nature of votes that can be cast. Except in the district for national minorities, voters cast a vote for a closed party list (Article 76). In the minorities district, voters cast a vote for an individual candidate.

Party threshold. Except in the minorities district, the threshold for candidates to compete in elections is 5 per cent of all valid votes cast within the electoral district (Lundberg, 2009, p. 20). The provision is not worded explicitly as such, simply saying, “Those lists in the electoral districts which are entitled to participate in the distribution of mandates are those that obtain

⁸ In accordance with Article 38 of the 1999 law each of the 10 districts were to receive 14 mandates.

⁹ In accordance with Article 35 of the 2003 law each of the 10 districts were to receive 14 mandates.

¹⁰ In accordance with Article 35 of the 2003 law each of the 10 districts were to receive 14 mandates.

¹¹ In accordance with Article 38 of the revised consolidated law of 2011 each of the 10 districts were to receive 14 mandates.

¹² <http://www.izbori.hr/2000Sabor/IJ11.PDF>

¹³ <http://www.izbori.hr/2003Sabor/index.htm> (under ‘Rezultati’ and then XI ‘dijaspora’).

¹⁴ [http://www.izbori.hr/izbori/ipFiles.nsf/0/EEE1D5E6E334687CC1257455003AFF37/\\$FILE/2007_Hrvatski%20sabor.pdf](http://www.izbori.hr/izbori/ipFiles.nsf/0/EEE1D5E6E334687CC1257455003AFF37/$FILE/2007_Hrvatski%20sabor.pdf)

¹⁵ In accordance with Article 4 of the 2010 law amending Article 8 of the 1999 law.

¹⁶ According to Articles 16-17 of the 1999 law

¹⁷ In accordance with Article 16 of the 2003 consolidated version of the 1999 law; see also election results <http://www.izbori.hr/2003Sabor/index.htm>

¹⁸ The above provision remained in force for the 2007 elections, see <http://www.izbori.hr/izbori/izbori07.nsf/izvjescjeOProvedenimIzborima.pdf>

¹⁹ Article 16, 2011 amendments to the 1999 law, see also the results of the 2011 elections at [http://www.izbori.hr/izbori/dip_ws.nsf/0/2DF9D413BA2DA73BC125796500586759/\\$File/konacni_sluzbeni_rezultati_2011.pdf](http://www.izbori.hr/izbori/dip_ws.nsf/0/2DF9D413BA2DA73BC125796500586759/$File/konacni_sluzbeni_rezultati_2011.pdf)



in the elections at least 5 per cent of the valid votes cast” (Article 41). Nevertheless, election results indicate that parties which have secured as little as 0.66 per cent of the votes cast nationwide have been awarded mandates according to this system.²⁰

Allocation of seats to parties at the lower tier. D’Hondt is applied within each district (Article 40). The national minority seats are filled by SMP in five nationwide, group-specific constituencies (Article 46).

Allocation of seats to parties in the upper tier. No upper tier.

Allocation of seats to candidates. Lists are closed, so each party’s seats in each district are filled from the top of the list (Article 42).

3.4 The 2003 Electoral Reform

This reform was not significant in the terms defined by this project. It increased the number of seats for minorities from 5 to 8 (Articles 15–16 of the revised text). The law provided that the Serbian minority receive 3 mandates, the Hungarian and Italian minority receive 1 mandate each, and that the Czech & Slovak minorities receive 1 mandate; the Austrian, Bulgarian, German, Polish, Romanian, Roma, Ruthenian, Russian, Turkish, Ukrainian, Wallachian and Jewish minority as a group were to receive 1 mandate, and the Albanian, Bosnian, Montenegrin, Macedonian and Slovenian minority were to be allocated 1 mandate (Article 16 of the 2003 law).

The article saying that SMP is used for these remains (now Article 43). The law does not explicitly state what this means in the case of the Serbian minority, which elects three members. It is apparent from election results, however, that each voter can vote for up to three candidates and that the three candidates with most votes are elected.²¹ Thus, the system is one of block vote.

3.5 Amendments in 2010 and 2011

The amendment passed in 2010 provided that ethnic minorities comprising more than 1.5 per cent of the population were to be entitled to 3 mandates. A third paragraph was added, which specified that the Serbian minority met this criterion and that these mandates were to be allocated to candidates from party lists in one of the ten districts where these representatives were competing (Article 5 of the 2010 law, amending Article 16(2); Article 9 supplementing Article 38 with a second paragraph). In the event that three candidates failed to be elected in

²⁰ http://www.ipu.org/parline-e/reports/2077_E.htm

²¹ For the 2007 election results, see

<http://www.izbori.hr/izbori/izbori07.nsf/izvjesceOProvedenimIzborima.pdf>. For the 2011 results, see [http://www.izbori.hr/izbori/dip_ws.nsf/0/2DF9D413BA2DA73BC125796500586759/\\$File/konacni_sluzbeni_rezultati_2011.pdf](http://www.izbori.hr/izbori/dip_ws.nsf/0/2DF9D413BA2DA73BC125796500586759/$File/konacni_sluzbeni_rezultati_2011.pdf)



this way, they were nonetheless to be guaranteed these mandates (Article 10, supplementing Article 40 with Article 40a). Ethnic minorities comprising less than 1.5 per cent of the population were collectively to be allocated 5 mandates in a separate nationwide electoral district (Article 6).

Before the 2011 elections, however, the provisions concerning the allocation of the 3 mandates to those representing the Serbian minority was again modified. Serbian candidates were to be elected in the same way as those representing other ethnic minorities (that is they were no longer expected to compete in the 10 electoral districts and party lists, as provided in the 2010 amendments) and all candidates representing ethnic minorities were to be grouped together in one district (Article 16). Candidates that received the most votes were to be allocated mandates, and in the event that two or more candidates receive the same number of votes, there is a second round of elections (Article 46). This amendment thus in essence restored the system that had been in place since 1999.

Appendix

References

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