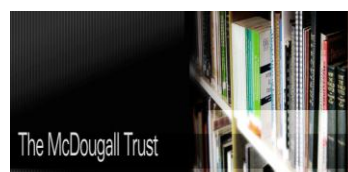# ESCE
Electoral System Change in Europe since 1945

Electoral System Change in Europe since 1945: Estonia

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Section 1: Overview of the Estonian Electoral System Changes since 1989

By 1989, new parties were being created in Estonia and, at the same time, tensions mounted both inside the country (between Estonians on one side and Russians and Russian descendants in the other) and outside the country (with the USSR concerning the issue of Estonian independence). The starting point of the analysis of the Estonian electoral system is the first electoral law enacted in 1989 by the Supreme Soviet, the first freely elected parliament during the Soviet era, after the declaration of the republic's right of sovereignty (16 November 1988). This law introduced proportional electoral rules under a Single Transferable Vote system (PR-STV). A new electoral law in 1992 introduced introduced an open list proportional electoral system with three tiers and multimember districts – while several amendments to this system have been undertaken, the broad system introduced in 1992 remains in place today.

Section 2: Relevant Electoral System changes in Estonia since 1989

Table 1. Summary of Estonian Electoral Laws and Amendments since 1989

Law	Amendment	Date of enactment	Location	Relevant for the research
Supreme Soviet Electoral Law		04 December 1989		Yes
Constitution of Estonia		03 July 1992		Yes
Riigikogu Election Act		20 April 1992		Yes
Riigikogu Election Act		11 July 1994		
	Amendment (Muudatus 4)	13 November 1998		
	Amendment (Muudatus 5)	24 November 1998		
Riigikogu Election Act		18 July 2002		Yes

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

3.1 1989 Supreme Soviet Electoral Law

This law, the Estonian Supreme Soviet Electoral Law, was enacted on 04 Dec 1989. It introduced a Proportional Representation by Single Transferable Vote (PR-STV) system. The 1990 elections were conducted under this law, in which, although 27 pro-Soviet deputies were elected, the two thirds Estonian majority was enough to declare at its first full session (30 March) the country's official intention to re-establish its independence.

Assembly size. Supreme Soviet had 105 deputies.

Districts and district magnitude. Table 2 reflects how district magnitudes varied across districts.

Table 2: Allocation of seats at district level in 1989

Number of seats in district	Number of such districts
5	3
4	5
3	13
2	6
1	19

Nature of votes that can be cast. It is a highly candidate-centered system. No other parties except Communist Party are mentioned and there is little or no mentioned role for parties. Vote choice is expressed by ranking candidates with numbers "1", "2", "3", etc. Ballot papers are written both in Estonian and in Russian. Candidates are listed on the ballot paper in alphabetical order. (Article 34)
Candidate nomination right is held by the CP, unions, societal organizations, voters' unions. (Article 28.2)[1]

Party threshold. No defined thresholds for entering the assembly.

Allocation of seats to parties at the lower tier. Single Transferable Vote method is used.

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(1)	The following had the right to nominate candidates: The Estonian Communist Party, labour unions, cooperative organizations, the Estonian Leninist Youth Association, women's associations, war- and labour veterans' associations, scientific personnel's associations, artists' unions, workers' unions, societal organizations that have been registered according to the law, societal movements that hold a statutory right to nominate, as well as electoral alliances that they have formed, voters meetings, and citizens' initiatives that have united behind a single candidate.

Allocation of seats to candidates. According to the Estonian SSR Electoral Committee's manual the allocation of seats is done in the following way:

The determination of results in the first round

1.   For each candidate, the amount of his/her first preference is determined (i.e. „how many ballot papers ranking the candidate with „1", per candidate);

2.   The quota (i.e. how many votes needed in order to become elected) is calculated thereafter, according to the following rule (Droop quota):

Quota= Sum of first preference given to all competing candidates   +1
              Number of vacant seats (mandates) in the electoral district +1

3.   Those candidates whose first rankings share exceeds or is equal to the quota are declared as elected.

The determination of results in following rounds

1.   First, the largest remainder is transferred. In case those candidates who were elected in the previous round(s) had no remainder or it is smaller than the difference between the last and the penultimate candidate's difference, or no candidates were successful in the first round, then, the candidate with the lowest amount of first preferences will be eliminated.

2.   In the second round, the second and following preferences of that successful candidate who had the largest remainders in the first round, shall be transferred. In the third and following rounds, only those ballots that were transferred in the previous round(s) shall be transferred.

3.   In case the amount of ballots to be transferred excedes the transferable remainder, a new value for each vote on the transferable ballots shall be calculated – the remainder is divided with the total value of all transferable ballots and the result is multiplied with the previous value of each transferable ballot. The results for each candidate are rounded to the nearest integer and added to his/her previous votes.

4.   If over the transferring process even a single ballot is declared void, a new quota shall be calculated according to the aformentioned formula.

5.   If after any round a candidate's vote share surpasses the quota or is equal to it, that candidate is declared elected.

The round, after which all available mandates are allocated, is declared the final one. The moment the last elected candidate is ascertained, the transfer rounds end.

3.2 The 1992 Constitution

The Constitution was adopted in a referendum on 28 June 1992. The Constituent Assembly was formed of thirty members each from the Congress of Estonia and from the Supreme Council in order to appease rivalries. After the Constitution was enacted, the first campaign for the first elections in the post-Soviet era began. This election, held on 20 September, elected the Riigikogu, the assembly that replaced the transitional Supreme Council.
(The current redaction was enacted on 21 July 2007)

Assembly size. The Riigikogu must have one hundred and one members.

No other change

3.3 The 1992 Electoral Reform.

The Riigikogu Election Act was enacted on 20 Apr 1992. It introduced a proportional electoral system with three tiers and multimember districts. Thus, for elections to the Riigikogu there are three rounds of counting in order to distribute seats (personal allocation, list allocation, and compensation mandate) This Act was amended once: on 18 June 1992

Assembly size. No change. The Riigikogu must have 101 members

Districts and district magnitude. There are 12 multi-mandate districts. Seat apportionment is calculated prior to elections according to the number of registered voters.

Nature of votes that can be cast. There are fully open lists in which each voter has one vote. The voter has to write down in the ballot paper the registration number of his/her most preferred candidate (just one number). Candidates nominated as individuals in the voting district shall appear after the lists. (Art. 22.1)

Electoral alliances are allowed. Each party or electoral alliance will decide by itself the order of the national lists when submitting the candidate lists.

Ballot papers shall be printed in Estonian (Art.22)

Party threshold. There is a 5% nationwide threshold (see third tier) or parties must have won at least three seats by simple quota. (Art. 29.1)

Allocation of seats to parties at the lower tier. The first tier consists of the allocation of the personal mandates by means of a simple (Hare) district quota. Individual candidates are awarded a seat if their vote share surpasses this quota, which is obtained by dividing the number of valid votes cast by the number of seats in each district (Art.28.4).

Allocation of seats to parties at the second tier. Each party's candidates are listed in the order of votes obtained (on lists which are included in the third tier), and once the list candidates' votes are totalled, the list receives as many district mandates as the number of times its total district votes exceeds the simple quota. Candidates at the top of the list are elected.

Allocation of seats to parties at the upper tier. (Compensation mandates) Mandates not distributed in electoral districts on the basis of simple quota are distributed as compensation mandates between the national lists of those parties and electoral coalitions whose candidates obtained at least 5% of the national vote or for which at least three were elected by simple quota. A modified d'Hondt distribution method is used with the distribution series of 1, 20.9, 30.9, 40.9 , etc. For national lists, those candidates who appear at the top of the list shall receive compensation mandates. For the purposes of distributing mandates, the names of

candidates on the list who have been elected by a simple quota in the territorial electoral district shall be disregarded (Art.29). During the 1990s an important amount of seats were allocated to these party lists, were voters have no choice (Mikkel and Pettai, 2004).

Table3: Allocation of seats at district level in [1992

Electoral district	District magnitudes	Number of candidates actually elected
Tallinn1	6	10
Tallinn2	5	7
Tallinn3	7	8
Tallinn4	6	6
Harju-Rapla	10	13
Hiiu-Lääne-Saare	8	8
I-V,Narva	5	2
Järva,L-V	10	8
Jõg-Vilj	11	9
Tartumaa-Tartu	13	15
Põlv-Valg_Võr	11	10
Pärnumaa-Pärnu	9	5

3.4 The 1994 Electoral Reform

The Riigikogu Election Act was enacted on 11 Jul 1994. It introduced minor changes regarding the number of districts.

Districts and district magnitude. The number of districts is reduced to 11. (Art. 9) Mandates shall be distributed to the electoral districts on the principle of proportionality in accordance with the number of citizens entitled to vote (Art. 9.5).

Nature of votes that can be cast. The possibility of electoral alliances between parties is eliminated with amendment 5.

Party threshold. No change in the nationwide threshold.

Allocation of seats at the second tier. Candidates must receive at least 10 per cent of the Hare quota in their district to be eligible (Art. 37.6). This change was prompted by concern that there was only a weak link between the personal votes cast and the outcome of the elections: in the 1992 election, only 56 of the 101 top vote winners were elected (Grofman, Mikkel, and Taagepera 1999: 239-40). Pettai (2004: 831) contends that the weak link between personal votes and seats "has contributed to the low turnout in elections". But politicians "were loath to radically alter the system" and introduced only "minor changes intended to soften the harsh effects of the system but not to change it fundamentally" (Mikkel and Pettai 2004: 339). According to Taagepera (1995: 329):

"When in 1992 a candidate was elected with a mere 51 personal votes, riding on the coattails of a highly popular one, a restriction was introduced: for district seats a minimum of 0.1 quota (i.e., about 500 votes) must be personally won. The restriction does not apply to nationwide seats, and this way an incumbent was re-elected in 1995 with only 98 personal votes; he had received 427 in 1992."

District-level seats were already allocated entirely on the basis of personal votes cast, so this reform cannot be regarded as significant in the terms of this project.

No other change

Table 4: Allocation of seats at district level in 1994

Electoral district	District magnitudes	Number of candidates actually elected
Tallinn 1	8	10
Tallinn 2	9	12
Tallinn 3	8	10
Harju-Rapla	11	7
Hiiu-Lääne-Saar	8	7
Lääne/Ida-Virumaa	11	8
Järva-Viljandi	10	9
Jõgeva-Tartumaa	8	8
Tartu linn	9	13
Võru-Valga-Põlva	11	7
Pärnumaa	8	10

3.5 The 1998 Electoral Reform

The 1994 Act had undergone several amending rounds (predominantly technical changes of how elections are to be organized and carried out, restrictions on campaigning etc), it was rewritten as a new integral act with hardly any changes in the scope of this analysis. The fourth amendment, enacted on 13 November 1998 defined the apportionment as follows:

Districts and district magnitude. The number of seats is divided between the electoral districts as follows:
1) The total number of voters shall be divided by the number 101;
2) The number of voters in an electoral district shall be divided by the number obtained as a result of the calculation specified in clause 1) of this subsection;
3) Each electoral district shall be awarded a particular number of mandates in correspondence with the integer of the number obtained as a result of the calculation made according to clause 2) of this subsection;
4) Seats which are not distributed pursuant to clause 3) of this subsection shall be distributed on the basis of the largest-remainder rule, using the fractions of numbers obtained as a result of the calculation specified in clause 2) of this subsection (Art. 9.1)

Nature of votes that can be cast. The fifth Amendment 5 (Muudatus 5) enacted on 24 Nov 1998 eliminated the possibility of electoral alliances.

No other change

Table 5: Allocation of seats at district level in 1999

Electoral district	District magnitudes	Number of candidates actually elected
Tallinn 1	8	11
Tallinn 2	10	9
Tallinn 3	8	11
Harju-Rapla	12	11
Hiiu-Lääne-Saar	7	6
Lääne/Ida-Virumaa	13	10
Järva-Viljandi	9	7
Jõgeva-Tartumaa	8	9
Tartu linn	8	9
Võru-Valga-Põlva	10	10
Pärnumaa	8	8

3.6 The 2002 Electoral Reform

The Riigikogu Election Act (enacted 18 July 2002) was the last reform up to the time this report is being written (August 2011).

Assembly size. [Short description].

Districts and district magnitude. There are 12 multi-member districts instead of 11, but there is no change in the apportionment method.

Nature of votes that can be cast. Electoral alliances are not allowed. It introduces electronic voting possibility and its procedures.

Note: The 7th Amendment (Muudatus 7) enacted on 14 Jul 2006 introduced the possibility to reconsider and revote. It was amended as follows: a voter has a possibility during I-voting period to recast his/her vote, the last cast vote counts.

Party threshold. There is no change in the threshold applicable in the first and second tiers.

Allocation of seats to parties at the second tier. Mandate allocation rules (see art 62) are adjusted. In the lists of those political parties in an electoral district whose candidates receive at least 5 per cent of the votes nationally, the candidates shall be ranked according to the number of votes cast for each candidate. The votes cast for candidates standing in the list of

candidates of the same political party in an electoral district shall be totalled. A list shall receive as many mandates as the number of times the number of votes it receives in the electoral district exceeds the simple quota. Mandates obtained by exceeding the simple quota are also deemed to be mandates of a political party.

The number of mandates a political party is awarded shall be increased by one if the remaining votes represent at least 75 per cent of the simple quota. A political party shall also be given a mandate if the number of votes is at least 75 per cent of the simple quota. The candidates at the top of the list for whom the number of votes cast is at least 10 per cent of the simple quota are elected. If at least two candidates receive an equal number of votes, the candidate who is further towards the top of the national list of candidates shall be elected. (Art.62) As a consequence of the above mentioned change, more mandates were allocated at the district level, making the result closer to the voters preferences (Mikkel and Pettai 2004).

Allocation of seats to parties at the upper tier. (Compensation mandates)Until this reform, candidates could be elected for compensation mandates even if they had not received personal votes. With the 2002 reform, only those candidates who reach 5% of the Hare quota at the district level can be awarded a seat from the compensation mandates. (Mikkel and Pettai, 2004) If the candidate does not reach this level of support at the district level, the next candidate on the list will be given the seat. If, upon the distribution of compensation mandates, it becomes evident that there are not enough candidates in the national list of candidates for whom the number of votes cast is at least 5 per cent of the simple quota of his or her electoral district, the candidate of the same list who has received the highest percentage of votes of the simple quota of his or her electoral district shall be given a compensation mandate.

No other change

Table 6: Allocation of seats at district level in 2003 (Seats allocated to the each district after the count of the ballots)

Electoral district	District magnitudes	Number of candidates actually elected
Tallinn 1	8	10
Tallinn 2	10	11
Tallinn 3	8	7
Harju-Rapla	12	13
Hiiu-Lääne-Saar	7	5
Lääne-Viru	6	7
Ida-Viru	8	7
Järva-Viljandi	9	8
Jõgeva-Tartumaa	8	8
Tartu linn	8	8
Võru-Valga-Põlva	9	10
Pärnumaa	8	7

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Project funding provisions