

# ESCE

Electoral System Change in Europe since 1945



## Electoral System Change in Europe since 1945: Cyprus

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## Section 1: Overview of Cypriot Electoral System Changes since 1970

The starting point for analysing electoral system change in Cyprus is the presidential and parliamentary elections of 1970. The 1970 parliamentary election was the second island-wide election held in independent Cyprus. The first presidential election for independent Cyprus took place in December 1959, and a few months later, in July 1960 Cyprus held its first parliamentary elections as an independent state. However, tensions between the Greek and Turkish Cypriot communities in the 1960s led to the postponement of all parliamentary elections until July 1970. In between, a presidential election was held in February 1968. The 1974 Turkish invasion of the northern part of the island led to the political separation of the island ever since. Therefore, the electoral systems analysed below refer only to the Republic of Cyprus.

The electoral system used for the 1960, 1970 and 1976 general elections in Cyprus was a simple plurality system. Candidates were elected in multi-member constituencies according to the number of votes received (Statute Law 47/1959 par. 29(1b); 39/1965). This system was replaced in 1979 with open-list reinforced PR, which has remained in place ever since.

Presidential elections in Cyprus are of vital importance as (Greek) Cyprus is the only presidential democracy in Europe in which the President is not only the head of state but also the head of government (Siaroff, 2000: 9). The election of the president is based on a two-round majority system.

## Section 2: Relevant Electoral System changes in Cyprus since 1959

**Table 1. Summary of Cypriot Electoral Laws and Amendments since 1959**

<b>Law</b>	<b>Amendment</b>	<b>Date of enactment</b>	<b>Location</b>	<b>Relevant for the research</b>
Law 47/1959	Provisions for the first parliamentary elections	31.12.1959		yes
<b>Law 39/1965</b>	Impedement of Greek and Turkish Communal Chambers	24.07.1965		
<b>Law 37/76</b>	Electoral districts and district magnitude after Turkish	09.07.1976		



	invasion		
<b>Law 72/1979</b>	Amended Law 47/1959 and Law 37/1976; reinforced PR replaced plurality system	27.07.1979	yes
<b>Law 73/1980</b>	Amended 72/1979 (article 33.4)	19.12.1980	yes
<b>Law 16/1981</b>	Amended article 29.1a of 47/1959	10.04.1981	yes
<b>Law 115/1985</b>	Amendment of the election registries	21.10.1985	
<b>Law 124/1985</b>	Amended the district magnitude	1.11.1985	yes
<b>Law 159/1985</b>	Changes in the interpretation of main concepts	8.11.1985	
<b>Law 164/1985</b>	Amended the number of preference votes per electoral district	8.11.1985	yes
<b>Law 297/1987</b>	Amendment of manner of voting (article 29 of previous law)	16.12.1987	yes
<b>Law 107(I)/1992</b>	Amendment of the role of Returning Officer	23.12.1992	
<b>Law 71(I)/1995</b>	Amendment of	30.06.1995	yes



	articles 33.2a and 33.2b of 72/1979	
<b>Law 11(I)/1996</b>	Amendment of articles 19, 22, 29, 31 and 32 of 72/1979	23.02.1996
<b>Law 106(I)/1996</b>	Constitutional Amendment (suffrage age reduced)	29.11.1996
<b>Law 118(I)/1996</b>	Amended article on by- elections for filling vacancies	31.12.1996

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

#### 3.1 1959 Reform

- Law 47/1959
- Law 39/1965
- Law 37/1976

Statute Law 47/1959 was the first electoral law issued upon Cyprus' independence for the first elections to the House of Representatives. The law provided for the number and size of the constituencies (article 3), the number of the elected representatives in the House of Representatives (article 4a), the number of the elected members of the Greek Communal Chamber and the Turkish Communal Chamber (article 4b) and the electoral system to be used in the elections of 1960. In 1965 a new law was enacted which amended article 4a of the previous law. Following the Turkish invasion of 1974 and the island's political separation, a new Law was enacted in 1976 which amended the district magnitude.

*Assembly size.* The House of Representatives consists of 50 members, 35 of whom represent the Greek Cypriot community and 15 the Turkish Cypriot community. After 1963, the seats of the Turkish Cypriot community were not filled.



*Districts and district magnitude.* Cyprus is divided into six Greek and six Turkish constituencies, the boundaries of which correspond with those of the six districts of Nicosia, Limassol, Farmagusta, Larnaca, Paphos, Kyrenia respectively (Law 47/1959, article 3). Articles 10.1 and 10.2 define that any person that is qualified to be a candidate may be nominated as long as their nomination paper is signed by the candidate and two electors (one proposer and one seconder) who are registered and vote in the candidate's electoral district.

Table 2 shows the apportionment of parliamentary seats in the six districts as initially defined by Law 47/1959, article 3 and amended by Law 39/1965, article 5 and Law 37/1976, article 3.2. The later laws did not alter the number of Greek members.

*Nature of votes that can be cast.* Under law 47/1959, article 29.1a, voters vote for not more candidates than the number of vacancies for members in the election. As defined by Governor's Regulation (article 29.5), voters are allowed to cast their votes within and across parties by marking a 'cross' by the name of the candidate(s) of their choice.

*Party threshold.* There is no party threshold. The number of candidates with the largest share of the votes in each constituency that are declared elected equals the number of seats to be filled.

*Allocation of seats to parties at the lower tier.* The number of seats each party is allocated equals to the number of party candidates elected nationally.

Table 2: Allocation of seats at district level

Name of the district	Magnitude (Total No of Members)	Greek Members
Nicosia	17	12
Limassol	9	7
Farmagusta	10	7
Larnaca	5	3
Paphos	6	4
Kyrenia	3	2

### **3.2 1979 Reform**

- Law 72/1979
- Law 73/1980
- Law 16/1981

The electoral system changed for the 1981 parliamentary elections. Law 72/1979 repealed the electoral laws 47/1959 and 37/1976. In more detail, the plurality system was replaced by reinforced proportional representation, while the new law introduced changes in the manner of voting – e.g., number of preference votes and ballot papers (cross party voting is repealed).



Law 73/1980 amended article 33 of 72/1979 defining the way votes are allocated in the second distribution. Finally, law 16/1981 amended the number of preference (cross) votes in the electoral districts.

*Districts and district magnitude.* Under article 22.6 of law 72/1979 the number of candidates that each party and coalition of parties or independents are allowed to nominate in each electoral district should be less than or equal to the number of seats contested in the district. Candidates should not be nominated in more than one party list (72/1979, 22.3). Party formations are formally declared by the Returning officer on the day of nomination following the declaration of the party's or coalition's leader or his/her representative (72/1979, 22.4).

Articles 3 and 4 of the Law 72/1979 defined the number and size of the electoral districts. There was no change in either dimension. Table 3 shows the district magnitude and the number of preference votes in each district.

*Nature of votes that can be cast.* The new electoral system amended the method of voting. Thus, under article 29.6 voters cast their vote by marking a cross next to the name of their preferred candidate(s) on the ballot paper of the party or coalition of parties / independents of their choice. The number of 'crosses of preference' in each electoral district is defined by the number of seats contested divided by four (disregarding fractions). This number is increased by one in the electoral districts with a magnitude between five and seven. In the electoral districts where fewer than four candidates are elected, voters can 'cross' one candidate. Party leaders are excluded from the 'cross of preference' and their election is based on the total number of votes cast for their party.

*Party threshold.* There is no party threshold at the first tier. However, only parties and coalitions of parties that satisfy the following conditions participate in the second allocation of seats (article 33.2a and 33.2b, 72/1979):

- Single Parties that won at least one seat in the first allocation and have a total share of the valid votes equal to or greater than eight percent (8%)
- Coalitions of two parties that won at least one seat in the first allocation and have a total share of valid votes equal to or greater than twenty percent (20%)
- Coalitions of three or more parties that won at least one seat in the first allocation and have a share of valid votes equal or greater than twenty-five percent (25%)
- Single parties with a total share of valid votes equal or greater than ten percent (10%)
- Coalitions of two parties with a total share of valid votes equal to or greater than twenty percent (20%)
- Coalition of three or more parties with a total share of valid votes equal or greater than twenty-five percent (25%)

If only one party or coalition of parties reaches the threshold defined above, then the single party with the second largest share of the vote participates in the second distribution provided that the single party's vote share is greater than the vote share of each of the single parties that participate in the coalition. Otherwise, the coalition of parties with the largest mean vote share among all coalition parties participates in the second allocation. The mean vote share is defined by the division of the coalition's total share of the vote by the number of coalition parties.



Finally, in the case that no single party or coalition of parties reaches the abovementioned criteria, the parties or coalitions of parties that participate in the second distribution are those with the closest to the threshold share of the vote (73/1980, article 6b).

*Allocation of seats to parties at the first tier.* The allocation of seats at the first tier is done according to the total number of valid votes in each electoral district. For this purpose the Hare method is used. That is, the electoral measure is defined by dividing the total number of votes validly cast by the number of seats contested in the district. The number of seats awarded to each political formation (parties, coalitions of parties and independents) is defined by the division (disregarding fractions) of the political formation's total share of valid votes in the district by the electoral measure (72/1979, article 32.3). In single member constituencies the seat is awarded to the political formation with the largest number of valid votes. The seats are then distributed to the candidates of each political formation according to the number of valid votes cast for each candidate. If there are no such candidates – that is, if two or more candidates receive the same number of votes – then the seats are distributed to the candidates in the order they appear on the party list determined by the political formation (article 32.4, 72/1979). If the seats awarded to a political formation exceed the number of its nominated candidates, then the seats that are allocated to that political formation should equal the number of its candidates.

*Allocation of seats to parties at the second tier.* If there are remaining seats these are distributed at the second tier, which is based on one nationwide electoral district (72/1979, article 33.1; 16/1981, article 10a). Adjusted to take into account the votes of the parties or coalition of parties that participate in the second distribution (see party threshold), the new electoral measure is the quotient of the division of the sum of the remainders (unused votes) of the parties participating in the second distribution by the number of the unallocated seats throughout the country (73/1980, article 6b). The number of seats each party is awarded is defined by the division of each party's remainder by the electoral measure (disregarding fractions). Under article 33.4a of the law 72/1979, if there is only one seat to be allocated in this second distribution, it is awarded to the party or coalition of parties that won the seat in the electoral district in which the seat is available. If however, there are two or more remaining seats these are distributed to the parties as follows (73/1980, article 6c; 16/1981, article 10c):

- Parties or coalitions of parties that participate in the second distribution are ordered according to their remainders in the first distribution
- If all seats are allocated to one party, these are awarded to the party in the electoral districts in which the seats are available and the party has the largest number of unused votes. If there is no unallocated seat in the constituency in which the party or coalition has secured the largest number of unused votes, that party will win a seat, if there is one unallocated, in the constituency in which it has received the second largest number of unused votes, and so on.
- If the seats are allocated to two or more parties, these are firstly, awarded to the parties in order of their remainders; secondly, the available seats in the electoral districts are distributed to the parties to which they are awarded, according to the parties' number of unused votes in the respective electoral districts.



This process is repeated with all parties that won seats in the second distribution. If following this process there are remaining seats, each of them is distributed in turn to the parties which, after the second distribution, have the largest number of unused votes.

*No other change*

Table 3: Allocation of seats

Name of the district	Magnitude	No of preference votes
Nicosia	12	up to 3
Limassol	7	up to 2
Farmagusta	7	up to 2
Paphos	4	1
Larnaca	3	1
Kyrenia	2	1

### **3.3 The 1985 Electoral Reform.**

- Law 115/1985
- Law 124/1985
- Law 159/1985
- Law 164/1985

A number of laws were enacted prior to the parliamentary election of 1985 which introduced a number of changes in the district magnitude and the number of preference votes ('cross of preference') in each electoral district. The most important change was the increase in the number of seats in the (Greek Cypriot part of the) House of Representatives from thirty-five (35) to fifty-six (56).

*Assembly size.* Under article 2 of law 124/1985 the number of seats in the House of Representatives is increased to 56 (Greek members). It should be noted that the total number of seats is eighty (80); fifty-six Greek Cypriots and twenty-four (24) Turkish Cypriots (the later remain empty since 1963).

*Districts and district magnitude.* The district magnitude is re-adjusted as a result of an increase in the number of the registered voters in each electoral district (124/1985, article 2).

Table 4 demonstrates the district magnitude and the number of 'crosses of preference' per electoral district as redefined by article 3 of law 124/1985.

*No other change*



Table 4: Allocation of seats at district level

Name of the district	Magnitude	No of preference votes
Nicosia	21	up to 6
Limassol	12	up to 3
Farmagusta	11	up to 3
Larnaca	5	up to 2
Paphos	4	1
Kyrenia	3	1

### 3.4 The 1995 Electoral Reform

- Law 297/1987
- Law 107(I)/1992
- Law 71(I)/1995
- Law 11(I)/1996
- Law 106(I)/1996
- Law 118(I)/1996

The parliamentary election of 1995 was held under a slightly amended electoral law. A number of laws were enacted in the interim period between the 1985 and 1995 elections which introduced minor amendments to the manner of voting (297/1987), the voting age (106(I)/1996), and filling vacancies (118(I)/1996 and 115(I)/1996). The most significant reform was introduced by law 71(I)/1995 which redefined the electoral threshold for the distribution of seats at the second tier and further amended the way seats are allocated among the parties that participate in the second distribution. A proportional representation system was adopted in the 1995 parliamentary election.

*Nature of votes that can be cast.* Voters cast their vote by marking the letter 'X', or a cross ['+'] or a tick ['V'] by the name of the candidate(s) of their choice within the party list of their choice (297/1987, article 4(b)). According to article 3 of the Law 11(I)/1996 the ranking of candidates on the ballot paper is no longer defined by the party but it is alphabetical, with the exception of the head of the party whose name is placed on top of the list. Finally, under law 106(I)/1996, the voting age was changed in 1997 from twenty-one years to eighteen years.

*Party threshold.* Under article 2(a) of the law 71(I)/1995, a political formation can participate in the second distribution of seats only if the following criteria are fulfilled:

- Single parties with a vote share equal to or greater than the one 56<sup>th</sup> of the total number of votes nationally
- Coalitions of two parties with a total vote share equal to or greater than ten percent (10%)
- Coalitions of more than two parties with a total vote share equal to or greater than twenty percent (20%)



*Allocation of seats to parties at the second tier.* In order for parties or coalition of parties to participate in the second tier they should reach the abovementioned threshold. If only one party or coalition of parties reaches the threshold(s) defined above, then the party with the second largest vote share participates in the second allocation provided that its vote share is greater than the vote share of each one of the parties of the coalition of parties (71(I)/1995, article 2(a)). Otherwise, a coalition of parties is allowed to participate in the second distribution only if its mean vote share is greater than the vote share of the second largest single party. This is calculated by the division of the coalition's share of valid votes by the number of parties forming the coalition. If no party or coalition of parties reaches the above criteria, then the parties or coalitions of parties that won the closest to the threshold vote shares participate in the second distribution.

Regardless of the above criteria in order for single parties to be allocated a second seat at the second tier they need to have won a vote share equal to or greater than the two 56<sup>th</sup> [2/56] of the total number of votes nationally (article 2(a), 71(I)/1995).

There is no change in the way seats are allocated to candidates. The allocation of seats as defined by article 32.4 of law 72/1979 at the first and second tier is done according to the total number of votes the candidates of each party poll. However, article 6 of the Law 101(I)/1997 defines that in the case that two or more candidates of the same party or coalition of parties win an equal number of votes and the seats to be allocated to their party are less than the number of those candidates, the candidate(s) to be elected is determined by a raffle. It should also be mentioned that party leaders and the leaders of coalition of parties are excluded from preference voting. They are placed at the top of the party list and are considered to receive as many votes as the total number of valid votes cast for the party at the national level (article 4, 11(I)/1996).

*No other change*

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