

# Proportionality of the electoral system for the Chamber of Deputies

## Abstract

Proportional system allocates to a party a percentage of seats equal to the percentage of the votes received in the election. Because of the indivisibility of seats and in the interest of the functionality of the elected body, full proportionality can never be achieved. However, its level can be significantly influenced by manipulating the variables of the electoral system. Because of the contradiction with the principles of proportional representation and the principle of equality required by the Constitution the Constitutional Court in its decision Pl. ÚS 44/2017 just eight months before the elections, it repealed important provisions of the Act on Elections to the Parliament of the Czech Republic, in particular the electoral formula and the additive closing clause for coalitions. Due to the upcoming elections to the Chamber of Deputies, Parliament was forced to quickly adopt a compromising amendment. The main goal of this thesis is to determine whether this amendment, adopted as Act No. 189/2021 Coll., which replaced the existing D'Hondt method with a non-traditional Imperiali quota and introduced a second, nationwide, scrutiny to redistribute the remaining votes, fulfilled the requirements of the Constitutional Court and increased the proportionality of the electoral system for the Chamber of Deputies, from a national perspective.

The paper first defines the fundamental terms and discusses the constitutional limits of the electoral system. It also describes in detail the development of the electoral system for the Chamber of Deputies of the Parliament of the Czech Republic, specifically its four validly adopted variants. It includes essential jurisprudence of the Constitutional Court, which was even twice the reason for significant changes in the system. The focus is on the latest decision in Case No. Pl. ÚS 44/2017, including a review of this controversial decision, and the current form of the electoral system.

The degree of disproportionality of the electoral system can be measured by mathematical formulas called indexes. Currently the most popular of the Gallagher's least square index and relatively new Lebeda's RR index are used to calculate whether the legislators have succeeded in making the system more proportional. The proportionality of all three electoral systems used in the history of the Czech Republic for the Chamber of Deputies is compared. Further, it is examined how the proportionality of the systems would be changed if

larger electoral districts similar to the eight districts used in the 1996 and 1998 elections were applied. Finally, it is evaluated whether the distribution of mandates at the national level, as originally proposed by the government, would be sufficient to make the system sufficiently proportional even without changing the formula and establishing two scrutinies.

**Klíčová slova:** Proportionality, electoral systems, elections to the Chamber of Deputies