

UC Berkeley

The Icelandic Federalist Papers

Title

No. 17: One Person, One Vote

Permalink

<https://escholarship.org/uc/item/10p4z7wk>

Author

California Constitution Center

Publication Date

2017-12-19

The Icelandic Federalist Papers

No. 17: One Person, One Vote

To the People of Iceland:

Iceland sent two representatives to the Constituent Assembly convened in Denmark in 1848–1849. Soon after his return to Iceland, one of the two representatives, Brynjólfur Pétursson, proposed that Iceland should, like Denmark, adopt the electoral principle of “one person, one vote” through equal apportionment of seats in Althingi. The aim was to secure equal weight of votes throughout the country. His proposal was rejected by those who benefited from unequal apportionment, specifically, farmers and rural officials who might have lost their seats in Althingi under equal apportionment. Ever since, the unequal weight of votes has been one of the most divisive issues in Icelandic politics. In the mid-1950s, for example, Seyðisfjörður, a town on the eastern seashore with 700 inhabitants (0.4 percent of the country’s population) had two members of Althingi out of 52 (nearly 4 percent of the total). Many Icelanders, recently supported by foreign election monitors from the Organization for Security and Co-operation in Europe (OSCE),¹ view unequal voting rights on the scale observed in Iceland as a violation of human rights. One of the key provisions in the Constitutional Council bill is the electoral clause that is designed to secure adherence to the principle of “one person, one vote” through equal weight of votes and thus to remove discrimination between rural and urban voters from Iceland’s electoral law and politics.

1. Historical background

In 1845, the number of members of Althingi was 26, one for every 2,200 Icelanders. The 1874 constitution was amended in 1920 to increase the number of seats in Althingi to 42, in keeping with the increase in population. The ratio 1:2,200 remained intact. In 1934, the number of seats was increased to 49, one for every 2,300 Icelanders. Then came the bitterly contested constitutional amendment of 1942, increasing the number of seats to 52 (1:2,400) and again in 1959, when the number of seats was increased to 60 (1:2,800). The last such change was made in 1987 when the number of seats was increased to its current level, 63 (1:3,900). Since that time, population growth has increased the number of people behind each member of Althingi to 5,200, still a low ratio by international standards as well as by Nordic standards: in Sweden and Finland there are 27,000 people per seat in the Riksdag, 31,000 in Denmark, and 29,000 in Norway. Contrast this with the 1:10,000 ratio in Barbados, which has a population the about same as Iceland’s.

Iceland is at present divided into six electoral districts: three in the Reykjavík area, where two-thirds of the population reside, and three rural districts. The votes of some rural voters weigh almost twice as heavily as do votes in the Reykjavík area, an improvement from earlier times when the ratio was first four and then three, but a ratio of nearly two is still far in excess of the extent of voter inequality tolerated in neighboring countries such as Norway. As intended by Althingi where rural areas remain significantly overrepresented, the electoral system has produced

¹ See <http://www.osce.org/odihr/elections/100321?download=true>. Accessed November 19, 2017.

and sustained a disproportionate representation in Althingi of the one-third of the electorate living outside Reykjavík.² Thus, the parliamentary elections in 2013, 2016, and 2017 granted 45 percent of the seats in Althingi to the three rural districts where one-third of the voters reside and 55 percent of the seats to the three urban districts where two-thirds of the voters reside. This imbalance continues to impart a provincial bias to public policy, including the allocation of government expenditures among alternative uses.

The constitutional amendments of 1942, 1959, and 1987 were primarily intended to moderate voting rights inequality. The first two were bitterly opposed by the Progressive Party, the party of farmers who had always been the major beneficiary of unequal apportionment of seats in Althingi.³ In 1927, the Progressives had won 45 percent of the seats with 30 percent of the votes and formed a government setting Iceland on a course of protectionist, inward-looking economic policies that lasted a generation or longer. There were in Althingi two smaller parties on the left: Social Democrats and Socialists (the latter erstwhile Communists), which joined with the Independence Party against the Progressives in 1942 and 1959 to make the apportionment of seats more equal. For several years after each of these two episodes, the Independence Party and the Progressives, at the time the two largest parties by far, were hardly on speaking terms. The reduction of urban-rural voter disparity proved to be insufficient as migration to the Reykjavík area continued, returning Iceland's apportionment system to an imbalanced state as discussed below.

2. Present State of Play

Throughout most of the 20th century, the number of votes needed to elect a member of Althingi for the Reykjavík area was two, three, and up to four times as large as the number of votes needed in rural electoral districts, meaning that each rural voter cast the equivalent of two to four urban votes in elections to Althingi. Until 2003, the provinces kept their majority in Althingi even if about two-thirds of the population now live in the Reykjavík area. The deliberate bias built into the electoral law, a *de facto* instrument of regional policy, slowed down the migration to Reykjavík as well as the lopsided transition from a rigid, quasi-planned economy toward a more flexible, mixed-market economy, and resulted in a similarly reluctant and slow depoliticization of economic life, including the banks that were privatized as late as in 1998–2003, several years after the privatization of commercial banks in East and Central Europe and the Baltic countries was completed.

To rectify this imbalance, the Constitutional Council bill proposes “one person, one vote” (equal apportionment of seats in Althingi) as the fundamental pillar of the electoral system. Even so, the proposal does not completely abandon the district system as it leaves it to Althingi to determine the number of electoral districts anywhere between one and eight as well as the boundaries between them. Further, the electoral provision optionally grants voters the right to vote for individuals, even across party lines if Althingi so decides, rather than for party slates as in the past. The aim here is to widen the selection and improve the quality of candidates available to the voters and to make divisive party primaries unnecessary. In the past, party machines or primaries

² Thorvaldur Gylfason, “From Collapse to Constitution: The Case of Iceland,” in Luigi Paganetto (ed.), *Public Debt, Global Governance and Economic Dynamism*, Springer, Milan, 2013, 379–417.

³ Unlike in 1942 and 1959, the Progressive Party supported the change in 1987 that aimed to secure a better balance among the political parties though not among electoral districts, an improvement that lasted until 2009 when an imbalance among parties reemerged, mostly in favor of the Progressives as before.

have essentially doled out safe seats to candidates, leaving next to no room for the voters to influence the outcome. The crux of the bill's electoral clause, however, is the stipulation of "one person, one vote." If Althingi decides, for example, to retain six electoral districts it must either move seats from rural to urban districts or redraw their boundaries to achieve equal weight of votes as stipulated. To achieve these ends, the council crafted this improved system.

The provision is as follows:⁴

The Althing shall be composed of sixty-three Members, nationally elected by secret ballot for a term of four years. The votes of voters everywhere in the country shall have equal weight. The country may be divided into electoral districts. They shall be eight at the most. Associations of candidates shall put forward slates, either district slates or national slates or both. Candidates may run simultaneously on a national slate and a single district slate of the same association. A voter selects individual candidates from slates in his electoral district or from nationwide slates or both. A voter is also permitted instead to mark a single district slate or a single nationwide slate, in which case the voter will be understood to have selected all the candidates on the slate equally. It is permitted to provide by law that the selection should be limited to the district slate or nationwide slate of the same association. Parliamentary seats shall be allocated to associations of candidates so that the number of Members representing each association is as close in proportion as possible to the total number of votes. The manner of allocating parliamentary seats to candidates based on their strength of vote shall be provided for by law. It is permitted to provide by law that a specified number of parliamentary seats should be tied to individual electoral districts, up to a maximum total of thirty. The number of voters on the electoral register behind each tied seat shall not be lower than the average for all sixty-three seats. The means of promoting as equal a proportion of men and women in the Althing shall be provided for in legislation on elections. Provisions of law relating to electoral district boundaries, the methods of allocating parliamentary seats and rules on candidature can be amended only by a two-thirds majority of the Althing. Amendments of this kind may not be made when there are less than six months until the next election and their entry into force shall be postponed if an election is called within six months from their confirmation.

Notice that political parties are not mentioned in the provision, only "associations of candidates." Does this choice of words reflect the low standing of Iceland's political parties after the 2008 crash? Perhaps. If so, this is probably the only place in the bill where the collapse of popular confidence in the political parties is discernible.

3. Why the Details Are Necessary

The electoral provision states: "The votes of voters everywhere in the country shall have equal weight." This means that systemic discrimination against voters in certain parts of the country is ruled out by ensuring that seats in Althingi are equally apportioned up to the closest possible numerical approximation. This matters because members of Althingi from rural areas

⁴ For an account of the history and intricacies of Iceland's electoral laws, see Thorkell Helgason, "Improvements in the Apportionment of Parliamentary Seats in Iceland," *Icelandic Review of Politics and Administration*, vol. 10, no. 2 (2014): 1–28.

still have many fewer votes behind them than their fellow members from the Reykjavík area, with far-reaching political and economic consequences, including disproportionately small public infrastructure investments in the Reykjavík area.

The provision also states: “A voter selects individual candidates from slates in his electoral district or from nationwide slates or both. A voter is also permitted instead to mark a single district slate or a single nationwide slate, in which case the voter will be understood to have selected all the candidates on the slate equally.” The aim here is to enable voters to cast their votes for parties (as they do now) *or* for individual candidates on different slates. This matters because, among others, corruption is known to be more prevalent in countries with small electoral districts and party slates than in countries with large electoral districts where voters have an opportunity to elect individual candidates.⁵ In essence, the provision provides that voters can cast their vote for persons as well as parties, even across party lists if Althingi so decides, while also guaranteeing minimal representation of regions as well as “one person, one vote.”

The continuing need for a detailed constitutional provision on the parliamentary election system stems from the fact that earlier changes of the electoral clause were colored by the insistence of prevailing political parties on preserving their privileges through unequal voting rights. The self-centered record of Icelandic politicians in this area demonstrates why constitutional reform should not—should never!—be vested in politicians because of the clear and present danger of self-dealing. The provisions in the Constitutional Council bill on direct democracy, including the right of 10 percent of the voters to call a national referendum on bills from Althingi, are designed to avert such dangers.

4. Properties of the Proposal

The Constitutional Council’s proposal permits dividing Iceland into several electoral districts, or constituencies, eight at most. Their number and their boundaries are left for Althingi to determine by a two-thirds majority. According to the proposal, those who want Iceland to become a single constituency (like Israel, for example) thus have to convince Althingi to change the law. Under the election system proposed by the Constitutional Council bill, candidates will have three options. They can run: (a) on a slate in an electoral district; (b) on a slate in a district as well as on the same party’s slate in the country as a whole; or (c) solely on a slate in the country as a whole. The underlying idea is to offer the voters a reasonable mix of local candidates who focus on the needs of their local constituents and national candidates who focus on the needs of the country as a whole.

Under the Constitutional Council’s proposal, the country can be viewed as one electoral district in the sense that the voters are free to vote for candidates on county-wide lists while they can also vote for candidates on lists in their local district as before. Candidates can, if they wish, focus their candidacy on voters who are closest to them geographically or they can seek to appeal to voters across the country. This arrangement is close to that used in the Netherlands, which combines features of a country-wide constituency with partially local candidacies. Denmark uses a similar system. It is common for the number of seats in districts to be variable, depending on election results; Austria is a case in point.

Under the bill, voters can vote for candidates on any slate in their electoral district or in the country as a whole, even across party lines if Althingi chooses to go that far. Alternatively, Al-

⁵ See Torsten Persson and Guido Tabellini, *The Economic Effects of Constitutions*, MIT Press, Cambridge, Massachusetts, 2005, Ch. 7.

thingi can decide to restrict the voters to candidates on slates for the same party by not allowing votes across party lines.

Voting for individual candidates rather than parties, known in Iceland as “personal election,” has a long history in Iceland. Until 1959, members of Althingi were generally elected personally in electoral districts with one or two members. When party lists were introduced, voters were in principle allowed to change the order of candidates on the lists but the threshold was so high as to make it impossible in practice for voters to influence the order of candidates on party lists. Only once (in 1946) has a candidate failed to get elected to Althingi because voters changed the order of candidates on the party slate. In 1999, a change in the election law lowered the threshold with the consequence that four times since then candidates have needed to swap seats as a result of reordered lists. The Constitutional Council bill takes this development a step further by allowing the voters to determine candidate order on party lists. Even so, political parties, or associations of candidates, will as before select their own candidates and will be allowed to recommend their preferred order of candidates to the voters. Also, voters can vote for party slates, accepting the given order of candidates. Last but not least, proportional representation means that the parties are awarded seats in Althingi in as full accord with their voter support as possible.

The bill does not specify the method by which seats are allocated, leaving that for Althingi to determine by law, including the question whether voters will mark the names of slates or individual candidates with one or more crosses or will rank them numerically.

To protect areas with small populations, the bill allows Althingi to specify the minimum number of seats in each district, up to a total of 30 seats. In general, each district will be awarded seats beyond the bare minimum. A district can be awarded more seats than suggested by local voter support if their candidates have voter appeal outside their district. Likewise, it is possible for a district to be awarded fewer seats than suggested by local voter support if the local candidates fail to generate adequate support or if candidates elsewhere draw more support. This is why Althingi is allowed to specify the minimum number of seats in each district, up to a total of 30 seats.⁶

Even with the constitutional bill’s changes to the apportionment system, Althingi will still have significant power over electoral rules.

- Althingi determines the number and boundaries of districts, by an increased majority.
- Bound only by the principles of proportional representation and equal weight of votes, Althingi determines the method by which votes are translated into seats, including the choice, e.g., between the rules of d’Hondt, Sainte-Laguë, etc.⁷
- Althingi determines the implementation of personal elections, including whether to permit votes across party lines.
- It is for Althingi to decide how to allocate guaranteed seats to districts.
- Althingi decides how to promote gender equality among its members.

In sum, the Constitutional Council bill aims to strike an efficient and fair balance between constitutional input into electoral legislation that is needed for vital historical reasons and Althingi’s ability to have a say in the matter without violating the fundamental human rights principle of “one person, one vote.”

—CIVIS

⁶ This minimum quantity rule would be unnecessary, however, if the country were one district.

⁷ See Thorkell Helgason, “Apportionment of Seats to Althingi, the Icelandic Parliament,” November 2013, <https://www.landskjor.is/media/frettir/AnalysisIcelandElection2013.pdf>. Accessed November 27, 2017.