



The New Electoral Law Approved by Italy's Chamber of Deputies is an Improvement on its Predecessor, but It Still Has Crucial Deficiencies

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The new electoral law approved by Italy's Chamber of Deputies is an improvement on its predecessor, but it still has crucial deficiencies



Following a ruling by the Constitutional Court of Italy that the country's much criticised electoral law was 'unconstitutional', Italian political parties are now in the process of agreeing a new law to cover Italian elections. The latest proposal was passed in Italy's Chamber of Deputies on 12 March and will now pass to the Senate. [Matteo Garavoglia](#) outlines the new law and its likely impact on future elections. He notes that while it is an improvement on the previous arrangement, there are still important deficiencies that fall short of European democratic standards.

The Italian legislative elections of [February 2013](#) were held under Electoral Law 270 of December 21st, 2005: a law introduced by Silvio Berlusconi's government against the votes of the opposition parties. The law was vociferously criticised for its perceived multiple flaws by Italian political scientists, the Italian Constitutional Court and a variety of public [commentators](#), both in Italy and abroad. In December, the Italian Constitutional Court finally declared the law unconstitutional. Matteo Renzi's Partito Democratico and Silvio Berlusconi's Forza Italia (but not Beppe Grillo's Five Star Movement) are therefore now rushing to agree a new electoral law. This article provides a concise overview of the new electoral law just approved by the Lower Chamber of the Italian Parliament and its likely impact on future elections.

To begin with, the new electoral law provides for an "electoral prize" (*premio di maggioranza*) to form an artificial majority in the Chamber of Deputies (*Camera dei Deputati*). As a result of this "prize", the party or the coalition that obtains at least 37 per cent of the votes on a national basis is guaranteed a "prize" of 15 per cent of the seats. However, should a party or coalition gain more than 37 per cent of the popular vote, the *premio di maggioranza* cannot exceed 54 per cent of the seats. The proposed *premio di maggioranza* should ensure that, at least on paper, an essentially proportional system would still provide a solid majority within the Chamber of Deputies for the party or coalition with a relative majority.



Palazzo Montecitorio, seat of the Italian Chamber of Deputies, Credit: Simone Ramella (CC-BY-SA-3.0)

Within this context, it should be pointed out that the 37 per cent threshold has been introduced to address a clear concern of the Constitutional Court. The Court had objected to the fact that, with the previous law, the *premio di maggioranza* was granted without clearly stating a minimum threshold for the prize to be given. Should no party or coalition obtain at least 37 per cent of the vote, the two most voted parties or coalitions will go to a run-off.

As was the case with the previous electoral law, a second feature consists in the fact that electoral lists are “blocked”. When going to the ballot box, citizens do not have the chance to express their preference for a candidate but, rather, can only cast a vote for a party. It is therefore up to each individual political party to select the order in which their candidates are placed on the electoral list. Such a caveat essentially allows parties to determine in advance which of its candidates will be elected to Parliament and which ones will not.

As an improvement on the previous electoral law, parties will now be able to list a maximum of three to six candidates in each electoral district: a provision included to address the Constitutional Court’s concern that longer electoral lists made it impossible for the average citizen to recognise most of the candidates. Having said that, each candidate will still be able to run in a maximum of 8 different electoral districts at the same time, while three to six candidates will be elected in each one of Italy’s 120 electoral districts.

A third feature of the new electoral law concerns the minimum threshold that each party has to reach to enter Parliament. According to the law, which still has to be approved by the *Senato della Repubblica*, in order to enter into Parliament, each individual party has to obtain at least 8 per cent of the national vote (4.5 per cent if belonging to a coalition) while coalitions of two or more parties have to obtain at least 12 per cent of the total votes with at least one party obtaining more than 4.5 per cent of the votes.

Having said that, special provisions that would have been put in place to ensure that parties with particularly localised support would have been able to enter Parliament have been dropped. In what was being labelled the “Northern League caveat” (in reference to the right-wing party traditionally allied with Silvio Berlusconi’s Forza Italia in most regions of

northern Italy), norms that had envisioned allowing parties that do not reach the 8 per cent threshold at the national level, but that obtain at least 9 per cent of the votes in at least 3 Italian regions, to enter Parliament have been scrapped.

A fourth innovation pertains, at least on paper, to the greater emphasis that the electoral law places on gender issues. Within this perspective, much has been made of the fact that the new electoral law demands that all political parties present an equal number of candidates of the two genders. However, the same electoral law does not go into much detail in determining how equal representation of the genders shall be ensured.

Indeed, all the law does is state that no more than two candidates of the same gender can be listed one after the other in the “blocked electoral list” provided by the party for voters to eventually support. Tellingly, most electoral polls available consistently suggest that, in most cases, only the first two candidates of each party lists will likely be voted into office. Within this context, such an arrangement does not necessarily bring about any substantial advancement in terms of gender equality within male-dominated Italian political life.

The draft legislation, likely to become law once approved by the *Senato della Repubblica*, is a limited improvement on the flawed electoral law previously in place. To complicate things, the electoral reform approved by the Chamber of Deputies does not apply to the Upper Chamber of Parliament, despite the fact that this also has to approve the new law for it to come into force. This is the case because, according to a gentlemen’s agreement between Renzi and Berlusconi, the *Senato della Repubblica* will eventually be transformed into an ‘Assembly of the Regions’ through a Constitutional reform.

Intriguingly, should the envisioned Constitutional reform fail, future elections would see the new electoral law apply to the *Camera dei Deputati* while electoral law 270 of December 2005 as amended by the Constitutional Court would still apply to the *Senato della Repubblica*. Should this be the case, two rather different majorities are likely to emerge for the two chambers of Parliament.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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