

## The tandem system: A new electoral frame for the European Parliament

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### 1. Introduction

The elections to the ninth European Parliament (EP) took place during 23 – 26 May 2019. Although the EP constitutes just one political body and not two or more, it is customary to use the plural "elections" rather than the singular "election" when talking about electing a EP. The reason is that the event decomposes into a patchwork of twenty-seven separate elections, one per Member State. Lack of uniformity is a hallmark of EP elections. The diffuse appearance of the electoral event has been lamented before and after previous EP elections and is again moaned in reviews and assessments of the 2019 elections.<sup>3</sup>

The state-of-the-art is an outcome of its history. The Electoral Act was conceived in 1976, amended in 2002 and 2018, and is again on the agenda of the incumbent parliament.<sup>4</sup>

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<sup>3</sup> Rudolf Hrbek: Europawahl 2019: neue politische Konstellationen für die Wahlperiode 2019–2024, in: *integration* 42 (2019), pp. 167–186; Michael Kaeding/Manuel Müller/Julia Schmälter (Hrsg.): *Die Europawahl 2019 – Ringen um die Zukunft Europas*, Wiesbaden 2020; Kai-Friederike Oelbermann/Friedrich Pukelsheim/Wilhelm Lehmann: *The European Elections of May 2019 – Electoral Systems and Outcomes*, Study, European Parliament, European Parliamentary Research Service, PE 652.037, July 2020.

<sup>4</sup> OJ L 278 (8.10.1976), pp. 1–11; OJ L 283 (21.10.2002), pp. 1–4; OJ L 178 (16.7.2018), pp. 1–3; Dossier AFCO 2020/2220(INL), rapporteur Domènec Ruiz Devesa (ES-S&D). A consolidated version of the 2002 Act is in: Report on a Proposal for a Modification of the Act Concerning the Election of the Members of the European Parliament by Direct Universal Suffrage of 20 September 1976, European Parliament, Committee on Constitutional Affairs, PE440.210v04-00, April 2011, pp. 9–14. The 2018 Act has not yet entered into force, awaiting ratification by Cyprus, Germany and Spain, see Lorenzo Cicchi: *Europeanising the elections of the European Parliament – Outlook on the implementation of Council Decision 2018/994 and harmonisation of national rules on European elections*, Study, European Parliament, Directorate-General for Internal Policies, PE 694.199, June 2021.

What looks like a modest legislative accomplishment today was hailed as a breakthrough in 1976. However, as soon as the Electoral Act had to pass practical tests its deficiencies came to light. Quite a few proposals for amendment were tabled during past legislative periods.<sup>5</sup>

Some progress was brought about by the 2002 amendment decreeing that, in each Member State, members of the EP shall be elected on the basis of proportional representation. The clause tacitly introduces a third group of stakeholders, political parties. While the first two groups, the voters in the Union and the members of the EP, comprise human beings, parties are institutions mediating between voters and representatives. The term "proportional representation" stipulates that the number of seats allotted to a party has to be proportional to the number of votes cast for this party. In 2002, when EP elections were conducted as an ensemble of separate elections per Member States, the parties implied by the term "proportional representation" were understood to be the domestic parties within the Member States. The involvement of domestic parties naturally inspired visions to launch pendants at Union level.

An initial regulation, on "political parties at European level" in 2003, was superseded by a later regulation on "European political parties" in 2014. The topic is again on the agenda of the incumbent EP.<sup>6</sup>

Originally, a political party at European level was taken to be an association of like-minded domestic parties from the Member States, as indicated by the alternate designation as a "European party family". The 2003 regulation granted them some funds from the Union budget, but also restricted their scope of action so that they would not interfere with the activities of their members at domestic level. Yet hopes

<sup>5</sup> George Anastassopoulos: *The Debate on the System of Electing the Members of the European Parliament, From a Uniform Procedure to the Common Principles of the Treaties, A Contribution to the Problem of Enhancing the Democratic and Representative Nature of the European Parliament*, Foreword by Professor Dimitris Tsatsos, MEP, Athens 2002; Andrew Duff: *The electoral reform of the European Parliament*, in: Report on a Proposal for a Modification of the Act Concerning the Election of the Members of the European Parliament by Direct Universal Suffrage of 20 September 1976, European Parliament, Committee on Constitutional Affairs, PE440.210v04-00, April 2011, pp. 32–51; Olivier Costa: *The history of European electoral reform and the Electoral Act 1976 – Issues of democratisation and political legitimacy*, Study, European Parliament, European Parliament History Series, PE 563.516, Oktober 2016.

<sup>6</sup> OJ L 297 (15.11.2003), pp. 1–4; OJ L 317 (4.11.2014), pp. 1–27; Dossier AFCO 2021/2018(INI), co-rapporteur Charles Goerens (LU-Renew) and Rainer Wieland (DE-PPE).

were raised that eventually a Union polity would evolve as soon as European party families would mutate into 'true' europarties. We use the term "europarties" in a generic manner to signify political entities that are either European political parties in the formal sense of the 2014 regulation, or that are European political movements coming close to, but not formally matching with, the 2014 regulation. A 'true' europarty would set a proper political agenda at Union level, reconnect with the Union's citizens, and contest EP elections by shaping the electoral campaign.<sup>7</sup>

It is eminently sensible that the AFCO committee reviews the Electoral Act and the Regulation on European political parties in parallel. The true functioning of europarties is a supposition underlying all proposals for enhanced uniformity when electing the EP.<sup>8</sup>

In contrast, our paper is lopsided. We focus on the design of the electoral system, but leapfrog the institutional issues raised by europarties. We boldly assume that europarties strive for political power, public visibility, and coordinating influence, and that they are eager to play a vital role at European elections so as to amplify their brand recognition. Conversely, since the electoral system and the structure of parties are strongly interacting, an intensified europeanisation of EP elections will incentivize europarties to extend their activities to the whole Union.

The dominant proposal for the europeanization of EP elections are transnational lists. The idea is to distribute a certain number of seats in a single pan-European constituency proportionally to the votes garnered by transnational (gender balanced) lists.

<sup>7</sup> Luciano Bardi: Parties and party system in the European Union, in Kurt Richard Luther/Ferdinand Müller-Rommel: Political Parties in the new Europe: Political and Analytical Challenges, Oxford 2005, pp. 293–322; Jo Leinen/Fabian Pecher: Von Parteibündnissen zu 'echten Parteien' auf europäischer Ebene? Hintergrund, Gegenstand und Folgen der neuen Regeln für Europäische Parteien, in: *integration* 37 (2014), pp. 228–246; Steven van Hecke (Lead author): Reconnecting European Political Parties with European Union Citizens, International Institute for Democracy and Electoral Assistance, International IDEA Discussion Paper 6/2018.

<sup>8</sup> David Michael Farrell/Roger Scully: Electing the European Parliament: How uniform are 'uniform' electoral systems? in: *Journal of Common Market Studies* 43 (2005), pp. 969–984; Simon Hix/Sara Hagemann: Could changing the electoral rules fix European Parliament elections? in: *L'Harmattan | Politique européenne* 28 (2009), pp. 37–52; Kai-Friederike Oelbermann/Friedrich Pukelsheim: Future European Parliament elections: Ten steps towards uniform procedures, *Zeitschrift für Staats- und Europawissenschaften* 9 (2011), pp. 9–28.

Transnational lists were first proposed in the 1998 Anastassopoulos report and later pursued in the 2011 Duff reports. Currently they are part of the 2021 draft report by AFCO rapporteur Domènec Ruiz Devesa.<sup>9</sup>

A subdominant proposal is the tandem system, to be detailed below. It is a "double-proportional" system taking into account two dimensions of which each is pertinent to representing the Union's citizens in the EP: the electorate's geographical division by Member State, and the electorate's political division by partisan vote.<sup>10</sup>

Generally, a double-proportional system would realize proportionality in either of the two dimensions. Specifically, primary Union law demands that "representation of citizens shall be degressively proportional", thereby indicating that citizenries' representations may deviate from strict proportionality in the direction of degressivity.<sup>11</sup>

In view of the specifics that are peculiar to the European Union the term "double-proportionality" is irritating, if not misleading. We opt for a distinguishing label, "tandem system".

Our paper is organized as follows. The tandem system is presented in two sections. Section 2 outlines a grand view of the tandem system.

Section 3 illustrates an application of the tandem system to the results of the 2019 EP elections. A series of *ad hoc* assumptions must be imposed on the data for the example to work out. As a consequence

<sup>9</sup> Lorenzo Donatelli: A Pan-European District for the European Elections? The Rise and Fall of the Duff Proposal for the Electoral Reform of the European Parliament, College of Europe, Bruges Political Research Papers 44, October 2015; Maria Diaz Crego: Transnational electoral lists – Ways to Europeanize elections to the European Parliament, Study, European Parliamentary Research Service, PE 679.084, February 2021; Domènec Ruiz Devesa: Draft Report on the reform of the electoral law of the European Union, European Parliament, Committee on Constitutional Affairs, PE693.622v02-00, June 2021.

<sup>10</sup> Andrew Duff/Friedrich Pukelsheim/Kai-Friederike Oelbermann: The Electoral Reform of the European Parliament: Composition, Procedure and Legitimacy, In-depth Analysis for the AFCO-Committee, European Parliament, Directorate-General for Internal Policies, PE 510.002, February 2015; Friedrich Pukelsheim: Proportional Representation, Apportionment Methods and Their Applications, With a Foreword by Andrew Duff MEP, Second Edition, Cham (CH) 2017, Section 14: "Representing Districts and Parties: Double Proportionality"; Olivier Costa/Pierre Jouvenat: Towards a European Political Space: The Challenges of European Electoral Law, College of Europe Policy Brief CoFoE 2.21, June 2021.

<sup>11</sup> Article 14(2) TEU [OJ C 326 (26.10.2012), pp. 13–45].

the seat numbers that emerge with the tandem system have absolutely no predictive worth for political conclusions, neither for the domestic parties included in the example, nor for the domestic parties left out, nor for registered or non-registered europarties. The purpose of the example solely is to demonstrate the procedural steps which the tandem system would have to go through.

Section 4 comments on how the tandem system compares to the proposal of transnational lists, and discusses incentives that have the potential of reinforcing the tandem system. Section 5 concludes the paper with some more principled remarks.

## 2. Tandem System – Intent

The tandem system aligns citizens and Member States in a synchronized ("tandem") way. Conceptually, its objective is to amend the current Electoral Act in various directions:

- The tandem system achieves electoral equality among all citizens of the Union by aggregating votes at Union level rather than performing separate evaluations per Member State.
- The unionwide alignments are arranged in a manner safeguarding the composition of the EP, i.e., the allocation of the seats of the EP between the Member States.
- The tandem system promotes a unionwide view of EP elections by involving europarties through political power, public visibility, and coordinating influence.
- Despite of unionwide alignments, Member States retain many domestic provisions, such as ballot structure, vote pattern, and rules to assign the seats of a domestic party to this party's candidates.
- The tandem system offers a forum for europarties to promote their Spitzenkandidaten and lead personnel for staffing political offices in the new legislative period.
- The tandem system expands on the concept of transnational lists by addressing all EP seats rather than singling out a subset, and by respecting the electoral traditions of the Member States rather than imposing a novel voting behaviour on the Union's electorate.

Technically, vote counts for domestic parties are aggregated into vote sums for europarties. The available seats are apportioned among europarties in proportion to their vote sums ("apportionment of seats

at Union level"). Then the seats of a europarty are allotted to its domestic affiliates in the Member States ("allotment of seats by Member State and europarty"). In a final step the seats of a domestic party are assigned to the candidates of this party ("assignment of seats to candidates").

The tandem system is in accord with Article 14 TEU and does not require any change of the Treaties. It may be implemented within the scope of secondary Union law.

A natural category of political entities for pooling votes at Union level are the European political parties that are registered with the Authority for European Political Parties and European Political Foundations. Since the conditions for registration are ambitious, it seems appropriate to allow for a second category of entities that are not (yet) registered with the Authority, euromovements. A non-registered group of domestic parties from two or more Member States would qualify as a euromovement, as would a European political movement such as VOLT EUROPA.

We use the label "europarties" as a generic term spanning both categories, (registered) European political parties as well as (non-registered) euromovements.

In addition, some domestic parties may choose not to associate with any europarty, but to remain solitary. This gives rise to the category of "stand-alone parties", i.e., domestic parties who contest the EP election in just their home Member State.

From a procedural point of view two prerequisites are essential so that the system can properly operate at European level. Firstly, a domestic party who is affiliated with a europarty should disclose this affiliation during the electoral campaign and, where applicable, on the ballot sheet. Citizens ought to be able to discern that their votes are tallied at Union level by way of europarties. Secondly, a European Electoral Authority needs to be established. Prior to the election its task is to oversee the admission or rejection of europarties and stand-alone parties to the election. At the end of the polling period, it is the Authority's job to ascertain the pertinent vote sums at Union level and to apportion the seats among europarties and stand-alone parties.

The tandem system allocates the 705 seats of the EP by honouring the due claims of europarties and stand-alone parties, as well as those of the Member States. It proceeds in three steps.

## 2.1. Apportionment of seats at Union level

The aggregation of votes at Union level provides the base to apportion the 705 EP seats among euro-parties and stand-alone parties. The apportionment is carried out proportionally to the unionwide sum of the votes garnered by these entities.

The apportionment uses the divisor method with standard rounding (Sainte-Laguë method). This method is distinguished by being unbiased, i.e., all votes are weighted equally irrespective of how strong the party is for which they are cast. The unionwide seat apportionment neither favours nor disadvantages any of the participants.<sup>12</sup>

Thereby the apportionment of seats at Union level realizes the One Person One Vote principle and secures electoral equality for all voters in the Union.

## 2.2. Allotment of seats by Member State and europarty

The synchronizing potential of the tandem system comes to light in the allotment of seats by Member State and europarty. The task is to merge two dimensions that are characteristic of the Union and that are interacting: the socio-cultural layout by Member State, and the political division by electoral entity.

Within a Member State, the sum of the seats must meet the state's seat contingent that is preordained by the EP composition.

Within a europarty, the sum of the seats must exhaust their due seats from the apportionment at Union level.

This two-dimensional task is resolved by using the double-proportional variant of the divisor method with standard rounding.<sup>13</sup>

The result is a table of seat numbers, with Member States as rows and with europarties as columns. Within every Member State, i.e., in every row, the sum of the seats matches the EP composition. With-

<sup>12</sup> Another procedure – for historical reasons more popular – is the D'Hondt method. However, the D'Hondt-method is biased in favor of stronger parties at the expense of weaker parties. Since responsiveness to size is an extremely sensitive issue in the Union, the D'Hondt method is inept for use in the tandem system.

<sup>13</sup> Double proportionality employs two sets of electoral keys, state divisors and party divisors. Once these are published, the vote count which has been recorded in state S for europarty P is divided by the state divisor for state S and by the party divisor for party P. The resulting quotient is rounded to the nearest whole number to yield the seat number sought, i.e., the number of seats for europarty P in state S.

in every europarty, i.e., in every column, the sum of the seats verifies the apportionment at Union level.

## 2.3. Assignment of seats to candidates, and accountability of MEPs

Once the seats for a specific europarty in a specific Member State have been determined, they are assigned to candidates by applying the domestic provisions of this Member State just as in the past.

In this way the seats of a europarty are filled with candidates of those domestic parties who are members of this europarty. The tandem system perpetuates the same kind of accountability that links the Union citizens and their representatives in the current electoral system.

In the next section the tandem system is illustrated by means of the 2019 European elections.

## 3. Tandem System – Procedure

The 2019 elections were planned and conducted under provisions different from the tandem system. The data can be converted into an example for the functioning of the tandem system only by imposing on them a series of *ad hoc* assumptions. All in all, the seat assignments resulting from the tandem system turn out to be close to the ones factually enacted. Due to the assumptions, however, the observed deviations between the tandem system and the status quo cannot be interpreted to indicate a systematic trend of any political significance.

Member States are abbreviated by their two-letter country codes.<sup>14</sup>

The European political parties assumed relevant at the 2019 elections are the ones listed on the webpage of the Authority for European Political Parties and European Political Foundations:

ALDE	Alliance of Liberals and Democrats for Europe Party
EPP	European People's Party
PES	Party of European Socialists
EDP	European Democratic Party
EFA	European Free Alliance
EGP	European Green Party
PEL	Party of the European Left
ECR	European Conservatives and Reformists Party
ECPM	European Christian Political Movement
ID	Identité et Démocratie Parti

<sup>14</sup> See the Interinstitutional Style Guide [publications.europa.eu/code/en/en-370100.htm].

Domestic parties wishing to cooperate with a European political party are usually offered various forms of membership, such as full member, associate member, or observer. For our 2019 sample evaluation we decided to restrict attention to full members. Since we failed to retrieve from anywhere any reliable membership rosters of any of the ten euro-parties listed above, we compiled them ourselves from their webpages and the information available in Wikipedia. It is most likely that our compilations contain errors or outdated information.<sup>15</sup>

Votes included into the aggregation process are restricted to be those cast for domestic parties who pass the pertinent domestic threshold and who obtain at least one seat. The tandem system re-evaluation of the 2019 elections disregards all votes that were cast for dwarf parties, whether they are members of European political parties or not.<sup>16</sup>

An example of a non-registered euro-party is fabricated – a bit with brute force – by the European movement VOLT EUROPA. At the actual 2019 elections, its German section was the sole section to win a seat. The other national sections failed the domestic electoral threshold (BG, NL), or garnered too few votes to validate a seat (BE, ES, LU), or contested the election with an independent candidate who was not successful (SE).<sup>17</sup>

Inclusion of VOLT into our demonstration of the tandem system is at odds with factual electoral practices and contrary to our treatment of dwarf parties at domestic level. Yet we find it instructive to illustrate that, in procedural terms, the treatment of euro-parties is the same whether they are registered or not.

### 3.1. Step 1: Apportionment of seats at Union level

Table 1 shows that a total of 163 374 809 votes enter into the process of apportioning the 705 EP seats at Union level. Every 231 400 votes justify roughly one seat. I.e., dividing the electoral key 231 400 into "Votes" yield "Quotients" that are rounded in the standard fashion to obtain the desired "Seats". The divisor 231 400 is determined so that the sum of all "Seats" is equal to the number of seats available, 705.

**Table 1: Apportionment of 705 seats at Union level.**

"Votes" are divided by the Union divisor 231 400 to obtain "Quotients", then "Quotients" are rounded to yield "Seats". The divisor is determined so that the sum of all "Seats" is equal to the number of seats available, 705.

EP2019-Aggregation	Votes	Quotients	Seats
<b>Eleven euro-parties, totalling 624 seats</b>			
EPP	39 338 118	170.0	170
PES	32 347 309	139.8	140
ALDE	18 656 812	80.6	81
ID	16 182 413	69.9	70
EGP	14 835 208	64.1	64
ECR	11 329 360	49.0	49
PEL	6 261 560	27.1	27
EFA	2 195 733	9.49	9
EDP	2 023 884	8.7	9
ECPM	741 034	3.2	3
VOLT	416 171	1.8	2
<b>Thirty-four stand-alone parties, totalling 81 seats</b>			
IT-M5S	4 569 089	19.7	20
DE-AfD	4 104 453	17.7	18
FR-LFI	1 428 548	6.2	6
ES-JUNTS	1 018 435	4.4	4
DE-DIE PARTEI	899 079	3.9	4
PL-WIOSNA	826 975	3.6	4
HU-DK	557 081	2.4	2
DE-TIERSCHUTZ	542 226	2.3	2
DE-ÖDP	369 869	1.6	2
BE-2PTB	355 883	1.54	2
CZ-PIRATI	330 844	1.4	1
EL-KKE	302 603	1.3	1
DK-DF	296 978	1.3	1
SE-V	282 300	1.2	1
EL-XA	275 734	1.2	1
FI-PS	253 176	1.1	1
DE-PIRATEN	243 302	1.1	1
EL-EL	236 347	1.0	1
NL-PvdD	220 938	1.0	1
HU-JOBBIK	220 184	1.0	1
NL-50+	215 199	0.9	1
IE-SF	196 001	0.8	1
NL-PVV	194 178	0.8	1
CZ-KSCM	164 624	0.7	1
LT-LVZS	158 190	0.7	1
IE-I4C	124 085	0.54	1
SK-KLSNS	118 995	0.51	1
LT-DP	113 243	0.49	0
IE-2indep	85 034	0.4	0
HR-MK	84 765	0.4	0
LT-AMT	82 005	0.4	0
CY-AKEL	77 241	0.3	0
HR-ZZ	60 847	0.3	0
CY-DIKO	38 756	0.2	0
<b>Sum (Union divisor)</b>	<b>163 374 809</b>	<b>(231 400)</b>	<b>705</b>

The upper block of Table 1 exhibits the aggregated results for eleven euro-parties. They are apportioned a total of 624 seats. These 624 seats need to be disaggregated by Member State and euro-party; this task is carried out in step 2.

The lower block of Table 1 features thirty-four stand-alone parties, i.e., domestic parties who are not

<sup>15</sup> [www.math.uni-augsburg.de/emeriti/pukelsheim/TandemSystemSupplement1-EuropartyRosters.pdf](http://www.math.uni-augsburg.de/emeriti/pukelsheim/TandemSystemSupplement1-EuropartyRosters.pdf).

<sup>16</sup> [www.math.uni-augsburg.de/emeriti/pukelsheim/TandemSystemSupplement2-VoteAggregation.pdf](http://www.math.uni-augsburg.de/emeriti/pukelsheim/TandemSystemSupplement2-VoteAggregation.pdf); Vote counts are taken from the study Oelbermann et al.: The European Elections, 2020 (n. 3), disregarding all vote counts which in the study are labelled "Others".

<sup>17</sup> [en.wikipedia.org/wiki/Volt\\_Europa#2019\\_European\\_Parliament\\_election](https://en.wikipedia.org/wiki/Volt_Europa#2019_European_Parliament_election)

a member of any europarty. They are labelled by the two-letter code of the Member State where they are active, together with their party acronym. Altogether the stand-alone parties are apportioned a total of 81 seats. This apportionment is definitive, there is no need to subject these seats to the disaggregation mechanism of step 2.

**3.2. Step 2: Allotment of seats by Member State and europarty**

The allotment by Member State and europarty must satisfy two conditions. It must verify the states' seat contingents, and it must match the europarties over-all seat apportionments.

Within each Member State the sum of the seats must meet the state's seat contingent as preordained by the EP composition. Since the seats awarded to stand-alone parties at Union level are known from step 1, they are deducted from the state's contingent. For instance, the Irish contingent of thirteen seats is reduced to eleven because IE-SF and IE-I4C get one seat each. The Italian contingent of seventy-six seats

is diminished to fifty-six since the stand-alone party M5S is awarded twenty seats. The reduced seat contingents are exhibited in the Member State column of Table 2.

Altogether eighty-one seats are apportioned to stand-alone parties. This leaves 624 seats for the proper europarties.

Within every europarty the sum of the seats must exhaust the party's due number of seats from the Union level. The unionwide seats of europarties from Table 1 are repeated in the top row of Table 2.

The two conditions are satisfied using two sets of divisors, state divisors (last column in Table 2) and party divisors (bottom row). Once these electoral keys have been publicized it is easy to disclose the allotment. The vote count of a europarty in a Member State is divided by the divisor for the pertinent state and by the divisor for the pertinent party. The resulting quotient (not shown in Table 2) is rounded to obtain the desired seat number.

**Table 2: Allotment of seats by Member State and europarty.**

The votes are divided by two divisors, the associated "State divisor" and the associated "Party divisor", and the resulting quotients (not shown in the table) are rounded to "Seats". Row-sums match the states' seat contingents, and column-sums meet the parties' apportionments at Union level.

EP2019-Disaggregation	EPP	Seats	PES	Seats	ALDE	Seats	ID	Seats	EGP	Seats	
624		170		140		81		70		64	
AT	19	1 305 956	6	903 151	5	319 024	1	650 114	4	532 193	3
BE	19	849 976	2	1 085 159	3	1 148 705	3	811 169	3	1 011 563	4
BG	17	725 678	8	474 160	5	323 510	3				
CY	6	81 539	4	29 715	2						
CZ	19	447 943	5			502 343	6	216 718	4		
DE	69	10 794 042	21	5 916 882	13	2 028 594	4			7 677 071	21
DK	13	170 544	1	592 645	3	926 132	5			364 895	3
EE	7	34 188	1	77 375	2	134 959	3	42 265	1		
EL	18	1 873 137	8	436 726	2						
ES	55	4 510 193	11	7 359 617	20	2 726 642	7				
FI	13	380 460	3	267 603	3	363 439	3			292 892	3
FR	73	1 920 407	7	1 403 170	6	5 079 015	17	5 286 939	28	3 055 023	15
HR	12	244 076	5	200 976	5	55 829	1				
HU	18	1 824 220	14	229 551	2	344 512	2				
IE	11	496 459	5	52 753	1	277 705	3			190 755	2
IT	56	2 493 858	6	6 107 545	16			9 175 208	30		
LT	10	248 736	4	200 105	4	83 083	1				
LU	6	264 665	2	152 900	1	268 910	1			237 215	2
LV	8	124 193	2	82 604	2	58 763	1				
MT	6	58 699	2	124 441	4						
NL	26	669 555	4	1 045 274	6	1 194 792	6			599 283	4
PL	48	4 009 958	17	1 239 977	6						
PT	21	930 191	6	1 104 694	8					396 060	4
RO	33	3 447 949	13	2 040 765	9	2 028 236	7				
SE	20	1 056 626	5	974 589	6	619 060	3			478 258	3
SI	8	180 155	4	89 936	2	74 431	2				
SK	13	194 715	4	154 996	4	99 128	2				
<b>Party divisor</b>		<b>1.098</b>		<b>1</b>		<b>1.165</b>		<b>0.77</b>		<b>0.818</b>	

For example, the allotment of the twenty-one Portuguese seats is as follows. In PT, PES garners 1 104 694 votes. The Portuguese divisor is 134 000, the PES divisor is 1; see Table 2. The quotient  $1\,104\,694 / (134\,000 \times 1) = 8.2$  justifies eight seats for the europarty PES; the seats are passed on to the unique Portuguese PES-member party PS. Similarly, PEL is awarded three seats, which are assigned to BE. The six EPP-seats are split between two EPP-member parties according to their vote tallies, yielding five seats for PSD and one seat for CDS-PP. Of the four EGP-seats two go to the electoral coalition CDU and two to PAN.

As another example, the Austrian contingent of nineteen seats is allotted as follows. EPP garners 1 305 956 votes. The Austrian divisor is 200 000, the EPP divisor is 1.098; see Table 2. This leads to the quotient  $1\,305\,956 / (200\,000 \times 1.098) = 5.9$ , justifying six seats for the Austrian EPP-member party ÖVP. The other successful europarties are allotted five, one, four and three seats, which are passed on to their respective domestic parties.

In this way the allotment by Member State and europarty guarantees that every Member State receives its due number of seats as does every europarty.

### 3.3. Step 3: Assignment of seats to candidates

The tandem system concludes with the assignment of seats to candidates. The task is carried out essentially in the same way as in the past. Since domestic provisions are different and since the tandem system respects these differences, every Member State must be reviewed on its own. The twenty-seven reviews decompose into three classes.

The first class embraces thirteen Member States for whom all europarties are in a one-to-one correspondence with their domestic parties: AT, CY, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, NL. The seats allotted to europarties (and to stand-alone parties from this state, if any) are handed over to the corresponding domestic parties without further ado. For example, in Austria the seats for EPP, PES, ALDE, ID and EGP are assigned to the top candidates on the lists of ÖVP, SPÖ, NEOS, FPÖ and GRÜNE, respectively.

The second class consists of eleven Member States where one of the europarties is in a one-to-many correspondence with its domestic member parties: BG, CZ, DE, DK, EE, PL, PT, RO, SE, SI, SK. For every europarty that has two or more domestic member

Table 2 (continued)

ECR	Seats 49	PEL	Seats 27	EFA	Seats 9	EDP	Seats 9	ECPM	Seats 3	VOLT	Seats 2	State divisor
				954 048	4					20 385	0	200 000
143 830	1									3 500	0	330 000
												88 000
												18 000
344 885	4											76 000
		2 056 049	6			806 703	3	273 828	0	249 098	1	457 500
		151 903	1									170 000
												40 000
		1 343 595	8									210 000
1 388 681	3	2 258 857	8	1 212 139	4	633 265	2			32 432	0	360 000
		126 063	1									106 000
								91 546	1			249 400
												44 000
												120 000
1 726 189	4											94 000
69 347	1											392 000
												54 000
77 591	2			29 546	1					4 606	0	160 000
												46 000
												30 000
602 507	3							375 660	2	106 004	1	170 000
6 192 780	25											221 000
		325 093	3									134 000
						583 916	4					235 000
636 877	3									146	0	176 000
												40 000
146 673	3											40 000
<b>1.1031</b>		<b>0.8</b>		<b>0.8</b>		<b>0.705</b>		<b>1.44</b>		<b>1</b>		

parties, its seats must be parcelled out among its members. In almost all instances there are just two members and the division of seats is straightforward; see above the Portuguese example. Only EPP in Romania features three members: PNL, PMP and RMDSZ-UDMR. The thirteen EPP-seats from Table 2 are divided between the three parties proportionally to the votes they garnered.

The third class assembles three Member States with special provisions: BE, IE, MT. They are special because of establishing multiple constituencies (Belgium and Ireland), and because seats are assigned to candidates using single transferable vote schemes (Ireland and Malta). Slight adjustments are called for to accommodate these special cases.<sup>18</sup>

#### 4. Comments and Discussion

##### 4.1. Tandem System and Transnational Lists: Agreements

When presenting the Draft Report on the reform of the Electoral Act in the AFCO meeting on 15 June 2021, rapporteur Domènec Ruiz Devesa outlined three aims: to enhance the democratic and pan-European dimension of EP elections, to equip europarties with power, visibility and influence, and to enable europarties to promote their Spitzenkandidaten and lead personnel.

Both, the tandem system and the proposal of transnational lists, target these aims. The Draft Report, while exclusively focussing on transnational lists, suggests many legislative changes that are needed no matter which of the two proposals is to be adopted.

The two proposals agree in the need to establish a European Electoral Authority. The authority would have the task to manage electoral matters at Union level, such as granting or – more delicately – refusing political entities the status of a europarty, and of validating and evaluating the voting results at Union level.<sup>19</sup>

The proposals also have in common that they supplement the category of European political parties with categories of lesser demands. The terminology is somewhat different though. The Draft Report defines "European political entities" as a generic term encompassing European political parties, European political movements, European electoral alliances, and European coalitions of national polit-

ical parties and/or national political movements. The Draft Report's usage of "European political entities" corresponds to our generic use of the term "europarties".<sup>20</sup>

##### 4.2. Tandem System and Transnational Lists: Disagreements

The two proposals obviously disagree with respect to many legal rules and political implications. Two disagreements are of paramount relevance, or so we believe: the kind of uniformity achieved at Union level, and the sort of accountability established at constituency level.<sup>21</sup>

The tandem system observes uniformity at Union level without ifs and buts. The way in which the overall 705 EP seats are apportioned secures electoral equality for all voters, for all candidates, and for all parties. This is a maximum of equality an electoral system can offer. It may be implemented without Treaty changes as a piece of secondary Union legislation. Reassuring as this may sound it needs to be acknowledged that a change of the Electoral Act is hardly less challenging than a change of the Treaties as both must be ratified by all Member States.

The proposal of transnational lists contents itself with ensuring an approximation towards, rather than a fulfilment of, unification of the electoral law and equality of the vote for citizens of the Union.<sup>22</sup>

The tandem system perpetuates the type of accountability at constituency level to which Union citizens are accustomed from past elections. Since all seats are filled from lists of candidates within the pertinent Member States, the traditional relationship how members of the EP are accountable to their electorate persists without any cutbacks.

The system of transnational lists operates with a single unionwide constituency. Lists bring together a set of diverse candidates from different Member States. They are a kind of electoral manifestation substantiating the EU motto "United in diversity".

The Draft Report's distinction between European electoral alliances and European coalitions of national political parties and/or national political movements is not clear to us. We believe that, however specified, electoral alliances and coalitions may

<sup>18</sup> [www.math.uni-augsburg.de/emeriti/pukelsheim/TandemSystemSupplement3-BE+IE+MT.pdf](http://www.math.uni-augsburg.de/emeriti/pukelsheim/TandemSystemSupplement3-BE+IE+MT.pdf).

<sup>19</sup> Ruiz Devesa, Draft Report, 2021 (n. 9), p. 24, Article 27.

<sup>20</sup> Ruiz Devesa, Draft Report, 2021 (n. 9), p. 14, Article 2.

<sup>21</sup> Steven Van Hecke and Wouter Wolfs: Transnational lists – A bad good idea, EURACTIVE, 7. Feb. 2018 [[www.euractiv.com/section/elections/opinion/transnational-lists-a-bad-good-idea](http://www.euractiv.com/section/elections/opinion/transnational-lists-a-bad-good-idea)]; Costa/Jouvenat: Towards a European political space (n. 10).

<sup>22</sup> Ruiz Devesa, Draft Report, 2021 (n. 9), p. 7, item 4.



be included into a wide interpretation of our notion of euromovements. Nevertheless, they must be handled with care.

### 4.3. Electoral Coalitions

In EP jargon the term "coalition" is used when several parties agree to nominate a common list of candidates. Other names for an electoral coalition are electoral alliance, electoral bloc, or electoral cartel. All of this nomenclature emphasizes the involvement of the parties.

From the voters' viewpoint, however, common lists are vexing. Voters do not know, and can barely find out, whether their ballots support one or the other of the allied parties.

Ambiguities due to common lists posed a major obstacle when applying the tandem system to the 2019 elections. There were many electoral coalitions, of course in 2019 only at domestic level, with one partner being a member of a europarty X and another partner being a member of another europarty Y. In order to complete our sample evaluation, we decided by sheer arbitrariness whether to attribute all votes cast for the common list either to X, or else to Y.<sup>23</sup>

This arbitrariness is another indication that our 2019 evaluation of the tandem system shows procedural steps only. It does not entail any predictive power towards political consequences.

Future handling of common lists should avoid such obstacles. Partners who team up in an electoral coalition should not be members of two or more europarties. At domestic level common lists would become completely obsolete anyway. The tandem system apports all seats using the Sainte-Laguë method which is unbiased. Hence a common list no longer promises any advantage over the use of separate lists.<sup>24</sup>

### 4.4. Threshold Regimes

The legal and political framework should specify the kinds of requirement which europarties and stand-alone parties must satisfy in order to contest the election at Union level and to participate in the ap-

portionment of the overall 705 seats. A requirement of some prominence are electoral thresholds. We wish to emphasize that the setting of thresholds is an entirely political decision; thresholds do not hinder nor ease the procedural steps that constitute the tandem system. The tandem system is able to accommodate whatever threshold regime the lawmaker decides to include in the Electoral Act.

Our 2019 example may illustrate that different threshold regimes entail different effects, which is why we have included the details for the euromovement VOLT. Firstly, current thresholds are set at domestic levels. The votes cast for VOLT in Belgium, Bulgaria, Spain, Luxembourg, Netherlands and Sweden turn ineffective. Only the 219 098 votes in Germany become effective, they justify one seat. This is the status quo. Secondly, if every domestic threshold is nullified, then all 416 171 votes become effective and VOLT doubles its parliamentary presence to two seats, one in Germany and one in the Netherlands. This is the message of Table 2. Thirdly, if a unionwide threshold is set at two percent of the unionwide valid votes, then the threshold amounts to 3 267 497 votes. VOLT fails the threshold and finishes with no seat.<sup>25</sup>

The discussion of the merits of the tandem system ought to be disassociated from the discussion of thresholds. Whether the tandem system reasonably serves the needs of the EP is one question. It is an entirely different question which threshold regime to decree.

### 4.5. Financial Remuneration

Current financing of European political parties does not respond to voter support at European elections. This financing scheme might be enhanced to incorporate a financial remuneration scheme contingent on the number of votes garnered by europarties and stand-alone parties.

The regulation could include an obligation that half of the per-vote remuneration which europarties receive from the Union budget must be forwarded to their domestic member parties where the votes originate. Stand-alone parties are awarded a quarter of the per-vote payment.

A stratified remuneration scheme of one sort or the other would boost the tandem system noticeably. It would encourage europarties to enlist as many do-

<sup>23</sup> See Supplement 1 (n. 15), p. 9.

<sup>24</sup> Common lists were invented as a remedy to attenuate the bias effects that distinguish the D'Hondt method, see Eduard Hagenbach-Bischoff: *Emploi de listes associées – Anwendung gekoppelter Listen*. Bulletin de la Société suisse pour la Représentation Proportionnelle – Bulletin des Schweizerischen Wahlreform-Vereins für Proportionale Volksvertretung 12 Nos. 10 & 11 (1896), pp. 78–85.

<sup>25</sup> Two percent of 163 374 809 is 3 267 497. For the sake of simplicity we here assume that the vote sum in Table 1 designates the sum of all valid votes in the Union.

mestic parties as possible and, conversely, it would motivate domestic parties to seek membership status with a europarty.

While in our illustrative 2019 example stand-alone parties outnumber europarties by far, a remuneration scheme might be instrumental to revert the balance. The tandem system would prosper best when most of the domestic parties contest EP elections under the umbrella of a europarty, and the ensemble of stand-alone parties shrinks to be comparatively few.

## 5. Conclusion

The tandem system is an electoral system that perfectly suits the *sui generis* nature of the European Union. It summarizes an EP election across the entire European Union in exhibits such as Tables 1 and 2. The complexity of the tables mirrors the complexity of the Union. The unified view of the tandem system furnishes a more informative and less disorienting electoral portrait of the Union than the patchwork elections from the past.

Beyond all procedural details there remains the crucial task to raise the citizens' awareness that what is at stake is their representation at Union level, not at domestic level. The mediators for conveying this message to the voters are the political parties, domestic parties as well as europarties. They must be offered incentives to act in concert and to spread the logic of cooperative synergies. Expedient procedures, such as the tandem system, are necessary but not sufficient to reach the aim. In addition, the electoral provisions must be flanked with legal and administrative rules whose purpose it is to foster cooperation.

As a final remark we would like to emphasize that the tandem system resolves a fundamental challenge of primary Union law. It puts an end to the controversy whether degressive representation of the Member States is at odds with electoral equality of the Union's citizens.<sup>26</sup> The tandem system aligns the two goals without any conflict. It safeguards degressivity, yet it also complies, throughout the Union, with the constitutional principle of an equal election. With regard to the political division of the electorate, it faithfully implements the One Person One Vote principle for all voters in the Union irrespective of their Member State provenance.

<sup>26</sup> [www.bverfg.de/entscheidungen/cs20111109\\_2bvc000410.html](http://www.bverfg.de/entscheidungen/cs20111109_2bvc000410.html);  
[www.bverfg.de/entscheidungen/es20140226\\_2bve000213.html](http://www.bverfg.de/entscheidungen/es20140226_2bve000213.html);  
[www.bverfg.de/SharedDocs/Entscheidungen/EN/2014/02/es20140226\\_2bve000213en.html](http://www.bverfg.de/SharedDocs/Entscheidungen/EN/2014/02/es20140226_2bve000213en.html).