

# **The Mixed-Member Proportional System: The German Model and its Variants**

Conference “The Portuguese Electoral System:  
Proportional Representation and Personalization?”

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1. Bundestag system

2. German Länder

3. New Zealand

4. Conclusion

## Outline

- (1) The Mixed-Member Proportional System (MMPS) for the German Bundestag
- (2) Electoral Systems in the German Länder
- (3) MMPS elsewhere: the case of New Zealand
- (4) Conclusion

## The MMPS for the Bundestag: institutional design (1949-2009)

### (I) Voting procedure:

- First vote: election of “direct seats” in SMDs (plurality rule).
- Second vote: election of regional party lists.

### (II) Seat allocation:

- Proportional allocation of seats to parties according to their national share of second votes (5%-threshold).
- Allocation of national party seats to regional (Länder) lists.
- Subtraction of “direct seats” in each Land from party lists.

### (III) Surplus seats:

- Surplus seats: in case of more direct seats than overall PR seats in a Land.
- Until 2013: no proportional compensation for the other parliamentary parties.

➔ **“Mixed-member proportional system” (MMPS): overall seat allocation by PR, SMD seats for personalization only.**

## The MMPS for the Bundestag: political effects over time

### 1960s to 1980s: marrying “the best of both worlds”

- High concentration of parliamentary seats.
- High degree of proportionality between votes and seats.
- Extensive usage of strategic ticket splitting.

### 1990s to date: weaker performance

- No effective containment of party-system fragmentation.
- Higher disproportionality due to “lost votes” (2013: 15.8%).
- Increased number of surplus seats.

➡ **Change in electoral system effects *not* due to institutional reform but due to party-system change.**

## The Bundestag MMPS since 2008: the uncompleted reform

- **Judgment of the Federal Constitutional Court (3 July 2008):** parts of the electoral law unconstitutional; trigger of reform process.
- **Revised electoral law (9 May 2013):**
  - New features: additional level of allocation (“initial distribution”); assignment of compensation seats.
  - Political effects: in line with FCC judgments, full proportionality between parliamentary parties; huge seat enlargements.
- **Renewed reform approach (since July 2018):**
  - Principal consensus of parliamentary parties to curb seat enlargements.
  - No agreement on a common reform proposal due to differing institutional preferences.

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## Electoral Systems in the German Länder

Land	Electoral system type	SMD rate (%)	List form	Number of votes	Threshold	Compensation mechanism
Baden-Württemberg	MMPS	58,3%	-	1	5%	Complete
Bavaria	MMPS	51,1%	Semi-open	2	5%	Complete
Berlin	MMPS	60,0%	Closed	2	5%	Complete
Brandenburg	MMPS	50,0%	Closed	2	5%	Limited
Bremen	PR in MMDs	-	Open	5	5%	–
Hamburg	MMPS	58,7%	Open	10	5%	Complete
Hesse	MMPS	50,0%	Closed	2	5%	Complete
Mecklenburg-West Pomerania	MMPS	50,7%	Closed	2	5%	Limited
Lower Saxony	MMPS	64,4%	Closed	2	5%	Limited
North Rhine-Westphalia	MMPS	70,7%	Closed	2	5%	Complete
Rhineland-Palatinate	MMPS	50,5%	Closed	2	5%	Complete
Saarland	PR in MMDs	-	Closed	1	5%	–
Saxony	MMPS	50,0%	Closed	2	5%	Limited
Saxony-Anhalt	MMPS	49,5%	Closed	2	5%	Limited
Schleswig-Holstein	MMPS	50,7%	Closed	2	5%	Complete
Thuringia	MMPS	50,0%	Closed	2	5%	Complete

## Other MMPS: the case of New Zealand

- **Introduction of the German model:** after a referendum in 1993 replacement of the British first-past-the-post system.
- **Institutional design:**
  - Regular size of parliament: 120 seats.
  - At-large MMPS (like most German Länder): 71 SMD seats (first votes); overall proportional seat allocation to national party lists (second votes); 5%-threshold.
  - No compensation of surplus seats.
  - Particularity: Māori seats.
- **Political effects:**
  - No significant seat enlargements (unlike Germany).
  - Crucial reason: not institutional features but party-system concentration.

## Conclusion

### Lessons from the comparative study of electoral systems:

- No ideal model for electoral reform.
- Possibility to balance majority and proportional effects to a certain extent.
- Both institutional details and political context matter.

### Procedural guidelines for electoral reform:

- Prioritization of objectives: what are the most important aims of the electoral system in the Portuguese context? Which of its effects should change, which remain?
- Specification of institutional design: constituency sizes, voting procedures, formulas and levels of seat allocation, legal thresholds, etc.
- Contextualized examination: simulation of effects under various political scenarios (vote distributions).