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Parliamentary elections in Iceland (25th of September 2021)

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1. Introduction

A former territory of the Kingdom of Denmark which became an independent republic in 1944,² Iceland³ is, on various levels, an interesting case-study regarding its recent political and electoral evolution, especially after the financial and economic crisis of 2008. In truth, it was this crisis' sequels which were the catalysts of the attempted "popular" constitutional reform, which if successful would have allowed to substantially replace or review the 1944 Constitution and the reconfiguration of the party system with the emergence of several new parties, the fusion of old political forces as well as the programmatic modification of some traditional parties.

We shall take a lateral approach to some of these aspects, given that the essence of the present work is the holding of elections to the Icelandic Parliament (known in its original term as "Althingi") which took place on the 25th of September 2021. This was the 30th electoral act to the legislative assembly since 1931 and the results were surprising to most observers.

2. The inconclusive Icelandic constitutional reform.

Even if the (aborted) Icelandic constitutional reform did not have a direct influence over the election results of the 25th of September 2021, the fact is that the subject was discussed during the election campaign and all running parties took their stance on the mat-

ter. Some historical references are justified, as this was a never-before-seen event on the world's constitutional history, and at the time, it raised some attention of the world's public opinion which had been following the matter, as well as, even if quite scarce, academic thought from the viewpoint of the Political Sciences and Constitutional Law.⁴

In the context of the troublesome events which took place after the collapse of the Icelandic banking system (2008) an idea of a democratic and truly popular constitutional process which would give rise to a new Constitution replacing the one from 1944 or which would profoundly review it started to gain traction in the midst of activists and politicians (mostly between the left-wing political forces).⁵ In the early hours of this process two popular national Assemblies were organized in 2009 and 2010, the first with the participation of about 1500 citizens enrolled in the electoral lists, selected by lottery, in order to discuss the fundamental points of the new Constitution. With the formation of a left-wing government led by the Social Democratic Alliance after the 2009 elections, a new bill was passed aimed at framing the constitutional review procedure by foreseeing the direct election of a Constitutional Assembly composed by 25 delegates tasked with drafting a Constitution which would encompass the contributions of the original popular assemblies and any suggestion made by citizens using universal free-to-use digital platforms on the internet and most social networks. The election of the 25 delegates took place on the 27th of November 2010 with a surprisingly low turnout (36%). However,

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2 Although since 1918 the Act of Union between Denmark and Iceland did recognize the plain sovereignty and independence of Iceland under the form of a "personal union" (monarchic) with Denmark.

3 See the analysis of 1995 parliamentary elections in José Matos Correia, "Islândia: eleições legislativas de 8 de Abril de 1995". POLIS, Ano I, no. 3 Abril-Junho 1995, pp. 185 ss.

4 Regarding the unsuccessful constitutional reform, the most complete works published in English and reconstituting an historiographical approach to events by the hand of their direct participants, MPs, members of the Constitutional Council, activists, and academics involved in the process is Águst Pór Arnasson and Catherine Dupré, eds. *Icelandic Constitutional Reform: People, Processes, Politics*, Routledge, 2020.

5 The formal mandate which started the constitutional process wasn't clear regarding its own goal: To review the 1944 constitution or to draft a new Constitution, to some authors that was one of the main causes of the constitutional process' lack of success. See Jón Ólafsson, "The Constitutional Assembly, A study in failure" in Valur Ingimundarson, Philippe Urfalino e Irma Erlingsdóttir, eds. *Iceland's Financial Crisis, The Politics of Blame, Protest and Reconstruction*, Routledge, 2016, pp. 253 e 264. Another relevant consequence of the Icelandic crisis was the judgement and conviction of former Prime-Minister Geir Haarde (2006-2009) by a Court (Court of Impeachment), based on negligence of ministerial duties (art. 14 of the Iceland's Constitution). See Jón Ólafsson, "The case against leaders: A moral reading of Geir Haarde's Conviction for Negligence of ministerial duties" *Frontiers of Political Science*, Vol. 3, May 2021 (<https://doi.org/10.3389/fpos.2021.619719>).

on 25/2/2011, a ruling by a court composed of six judges of the Supreme Court of Iceland specifically created to rule on any eventual challenges to the electoral procedure, determined that the elections were void in view of the challenges presented by 3 citizens, having proven several irregularities in the electoral procedure, some of them particularly serious, in the opinion of the court, for having compromised the liberty and secrecy of the vote. On the 25/2/2011, the Icelandic parliament when confronted with the fate of the procedure, decided that every elected member whose mandate had been considered as void, were to become part of a Constitutional Council. This deliberation was taken by the majority of MPs (in favour were the MPs belonging to the parties in Government, the Social Democratic Alliance and the Left-Green Movement, and against were the parties in opposition, namely from the conservative Independence Party).

The Constitutional Council went on to conclude its mission, by assuming a dynamizing role in the deliberative process, having received hundreds of proposals by citizens, and incorporating in the final text the most consensual proposals, delivered to Parliament on 29/7/2011 a constitutional project which was unanimously approved by the 25 members of the Council⁶. Such project went on to be submitted to a non-binding referendum (which took place on 20/10/2021) both globally and in its specifics, in relation to five concrete questions – election law, political referendum, natural resources, State/Church relations and non-partisan participation in the elections –. All questions were approved (globally, that is, the constitutional project as a whole, by a majority of 66.9% and, in its concrete questions, with majorities in between 57.1% and 82.9%). Popular participation in the referendum was of 48.7%. Once approved, the project was sent back to Parliament which would have a final say, however, it ended not even being voted on given the recourse to various delaying mechanisms in the scheduling of the approval vote by parties from the opposition, given that the 2013 elections were close. With the holding of the elections, the following Government was composed of the political forces opposed to that constitutional procedure, some from since the beginning, others becoming opposed to it in the middle of the process, such were the cases of the Independence Party and the Progressive Party. And thus ended, quite ingloriously we should note, a never-before-seen grassroots and deliberative constitutive attempt.

Truth be told, this process was born against the rules of constitutional review under the 1944 Constitution which would mean that, if successful, we would be facing what would be a formally unconstitutional review of the Constitution and, at the limit, facing the exercise of a materially original constitutive power aiming at the approval of a new Constitution. But that was never clear during the whole process – determining if the objective was to review the Constitution or to approve a new one – two aspects which undermined, definitively and radically, any pretension of democratic

legitimation of the constitutive exercise: the low turnout in the extraordinary elections of the Constitutional Assembly and the court's decision to annul such election in face of the procedural and substantive irregularities which were identified in the electoral process.⁷

Although in the most recent electoral campaign the left-wing parties, namely the Left-Green Movement and the Social Democratic Alliance did express their wish to recover the 2013 text and conclude the electoral reform, the fact is if that didn't occur in 2017, it will hardly be done now. If the fact was that the ecologists got back into power in 2017, truth is that they did it holding arms with the most veracious opponents to the constitutional reform, the Independency Party conservatives. And the results of the 2021 election, which we will see, kept essentially the same partisan-political balance and perhaps the same governing coalition. These are the reasons which led us to believe that this episode shall remain as a failed practical exercise, even if it was an interesting popular and deliberative constitutive process.

3. Electoral System

The Icelandic legislative elections take place every 4 years and use a proportional representative system based on party lists by applying the Hondt method for the conversion of votes into mandates. This system is based on the 1944 Constitution (art. 31) and the elections act (“General Elections Act”, no. 24/2000 of 16/5 which has been altered and supplemented up to the present day). The country is divided into 6 multi-member constituencies, which given the population registered to vote, elect between 10 to 11 MPs. The exact determination of the number of MPs is dependent on a decision by the Central Electoral Commission, which is taken before any electoral act takes place. From a geographical point of view and given that the vast majority of the population (about 360.000 citizens) lives in the capital of Reykjavík, more than half of MPs are elected by the two constituencies of the capital and by the constituency on their borders (Southeast). The proportional representation is the system which has been prevalent in Icelandic electoral history since 1959, being maintained up until today without any changes by the most recent reform of the election law, dated 2000.⁸ This will probably be one of the reasons which explains the inexistence of single-party majorities or non-coalition governments, at least since the 1959 electoral reform. The rule has fairly been one of coalition governments (2,3 or 4 parties), sometimes on the left, other times (the majority of cases) on the right and even, as it happens on the context of the elections being commented on, by aggregation of left and right parties in an Icelandic version of the

6 See https://www.constituteproject.org/constitution/Iceland_2011D?lang=en (accessed on 25/11/2021)

7 See Eirikur Bergmann, Participatory Constitutional Deliberation in the Wake of Crisis : The case of Iceland “ in Min Reuchamps and Jane Suite, eds. *Constitutional Deliberative Democracy in Europe*, ECPR Press, 2016, p.29

8 See http://www.electoralsystemchanges.eu/Files/media/MEDIA_215/FILE/Iceland_summary.pdf (accessed on 19/11/2021).

“great coalitions” of post-World War II German governments.

But if the electoral system for the election of 63 MPs and the method of counting votes reflect an option followed in many countries, there are singularities that in the Icelandic case are worth of reference. The first one is regarding the vote, the second one is about the existence of supplementary or compensation mandates, finally, the third one is regarding on how those supplementary mandates are allocated.

On the vote, art. 82 of the elections act establishes that voters have two options. Either they vote solely for the party or, as an alternative, they may demonstrate their preference on candidates from the party lists. The system contemplates thus preferential voting, with party lists although being pre-sorted, aren't locked. Voters therefore have the opportunity to modify the order of candidates established by the party, defining themselves on who they want to be in first, second, and third place, for as many places as names that list contains. They may even reject a candidate, for which they must cross out their respective name. This implies, contrary to what takes place in Portugal, that the voting ballot not only contains the identification of running parties, but also the names of candidates each party takes to polls in that constituency (art. 52 of the elections act). After the counting of every vote won by that party's list, candidates to be elected shall be, in a decreasing order, those who have gathered the largest preference of voters from that same party list.

Regarding the existence of supplementary mandates, it should be convenient to point out that the election of the 63 MPs is dependent on what we might designate as two counts. On a first moment, during the first count, 54 mandates are distributed, and only on a second moment, in a second count, will the remaining 9 mandates be distributed. We also should mention that these supplementary mandates correspond exactly to the seats also supplementarily allocated by the Electoral Commission to each of the six constituencies. In fact, as defined under art. 8 of the elections act, to each of the 9 MPs that each constituency has right to, 1 or 2 additional MPs are added according to its number of voters. This means that while the constituencies of North-Reykjavík, South-Reykjavík and the Southeast have the right to two more MPs, respectively, each of the other three constituencies (Northwest, Northeast, and South) have the right to one more MP. In the end, with these supplementary mandates, the system wishes not only to compensate the constituencies with a large dimension, without harming those less populated, as well as to ensure the largest proportional representation possible to political parties. Although, as we shall see, this guarantee depends on the votes won at the national level, its implementation can be translated as the allocation of more MPs to parties at the constituencies' level.

Lastly, before we approach the distribution of the supplementary mandates, we must remember that the first 54 MPs are allocated in each of the six constituencies by usage of the Hondt method (art. 107 of the elections act). Only after that distribution, as we've mentioned, may we move on to the next phase, that is, the distribu-

tion of the 9 supplementary mandates. It is important, however, to understand that the access to this phase is dependent on a minimal percentage of votes, since the elections act imposes on each party a threshold clause of 5% (art. 108 of the elections act). With that percentage being met, we now must determine how many supplementary MPs each party may have and to which of their lists will they be allocated to. To find the answer, under art. 108 of the elections act, the following applies:

- Firstly, we must determine what we might designate as the national quotient, the “*national ranking numbers*”. From these *national ranking numbers*, we will define the total number of supplementary MPs that each party shall receive. To that end, the total (national) number of votes obtained by each party must be divided by the total (national) number of MPs already elected by that party, plus 1,2,3,4, up to 9. By following this methodology already defined by the Hondt method, the objective is to find dividers which will determine, in a decreasing order, the supplementary MPs allocated to parties entitled to have them, that is, the parties which have obtained a minimum of 5% of votes at the national level.
- Secondly, after that determination, MPs shall be allocated to the best relative positioned party lists. In order to define such position, the following applies:
 - a) In each constituency, the number of votes obtained by each party is divided by the number of MPs elected by that party plus 1.
 - b) Afterwards, the result of such division is further divided by the total of valid votes registered in that constituency. Only after that operation can we determine the constituency on which parties shall elect their supplementary MPs.

4. Political Parties and Party System in Iceland.

The Icelandic party system has been very volatile since the financial and economic crisis, which since 2008 has swept over the country. In that period, the sole element of stability has been the electoral expression of the Independence Party, one of the most ancient Icelandic political parties historically connected to Iceland's independence. In truth, the Independence Party has won 4 of the 5 legislative elections held since 2008, only losing the 2009 election to the Social Democratic Alliance. For that reason, this political force could hardly be ignored by any governing solution. In fact, the Independence Party didn't take part in Government only for the 2009-2013 legislature. Since 2013 until today it has never stepped down from its governmental leadership role, even if the Prime-Minister doesn't always come from within its ranks. The party playing field has seen, in the last years, the emergence of

new parties as were the cases of the Pirate Party, with an anti-corruption political program as well as the defence of direct democracy; the People's Party, which took handicapped rights as their main flag; the Reform Party, pro-European and adept of economic liberalism; or the Centre Party with a liberal-populist agenda, founded in 2017 and resulting from a split within the Progressive Party. On its own side, the Socialist Party, founded in 2017, ran in the last elections with a markedly leftist economic and social program, inspired by the socialist and social democratic parties' compromises from the 70's of the last century, defending a strong presence of the State in the economy and society.

To this panorama, two more Icelandic traditional parties join the fray, even if reconfigured: the Social Democratic Alliance and the Progressive Party. The first one, founded in 2000 has encompassed various centre-left formations, among those the historical Social Democratic Party. It obtained a remarkable result in 2009 when it won the elections amidst the financial-economic crisis and did lead the coalition government represented by Jóhanna Sigurðardóttir, the first woman to ever step into the role of head of Government in Iceland.⁹ The second is a traditional agricultural party (sharing the Nordic, conservative and Eurosceptic parties' hornbook), founded in 1916 and governmental party to various succeeding coalitions with the Independence Party throughout the 20th century, but after the 2009 crisis it has steered towards populist anti-immigration politics and adopted a position contrary to Iceland's accession to the European Union, when up until then it had defended the opposite.

Another relevant aspect to the recent configuration of the Icelandic party system and to the governing solutions found is in regard to the emergence of an ecologist and left-wing party, the Left-Green Movement. This party was founded in 1999 and having encompassed various left-wing and ecological movements, it consistently became the third most relevant party in the last decade, right behind the Independence Party and the Progressive Party, stealing the Social Democratic Alliance's spotlight. Besides that, considering the right-wing positioning of the two large parties in Iceland's political life, the already mentioned Independence Party and the Progressive Party, the Left-Green Movement has capitalized on the system's artificial shift to the right, becoming the main actor at the left, either in the aggregation of the popular vote, or by representing a political pole susceptible of becoming part of possible governing solutions, either by entering a left-wing coalition with the Social Democratic Alliance, like what transpired after the 2009 elections, or by entering a right-wing coalition with the Independence Party and the Progressive Party, like what happened after the 2017 elections.

This last situation is precisely what constitutes the starting point

⁹ However, Iceland still keeps the world's first account of having the first democratically elected woman as President of the Republic: Vigdís Finnbogadóttir was elected by direct and universal suffrage in 1980 and reelected for another 3 mandates until 1996.

for a correct interpretation of the 2021 election results.

5. The 25th of September 2021 elections and the new party system.

It should be noted that the 2017 elections (See Table I) gave the victory to the Independence Party, which needed to enter into a coalition with the Progressive Party and the Left-Green Movement in order to reach a majority of MPs in the "Althingi". There are two never-before-seen aspects of this coalition: to associate two parties which are positioned in the extreme opposites of the political spectrum (Independence Party and Left-Green Movement) and for having chosen as Prime-Minister Katrin Jakobsdóttir, the leader of the left-wing ecologists, which wasn't even the party most voted for. For these two reasons the generalized conviction of the observers was that a coalition with such characteristics wouldn't be able to survive for long. However, the Government has proved successfully resisting to 4 years of legislature, thanks to the great understanding between the leaders of the 3 parties, taking advantage of the country's economic recovery, and in the last one and a half year, the good management of the pandemic crisis.

In truth, if we confront the 25th of September 2021 electoral results (See Table I) with the results of 2017, we find that the vote sum of the 3 coalition parties in government (Independence Party, Progressive Party and Left-Green Movement) has increased its vote in 1.5% by comparison with the last elections. In this calculation we must consider that the great winner ended up being the Progressive Party which won 6.6% of votes, while the Left-Green Party lost 4.3%, and the Independence Party lost 0.8%. The expression of the coalition's victory is more the while meaning given that the main opposition parties lost votes: The Social Democratic Alliance (-2.2%), the Pirate Party (-0.6%), and the Centre Party (-5.5%). From this data, it's important to stress the survival of the Pirate Party which keeps obtaining constant parliamentary representation in 2013, 2016, 2017, and in 2021 without ever assuming a governmental role. The expression of this persistence is reinforced when we take into consideration the "new" Socialist Party's lack of success, which wasn't even able to achieve the 5% threshold in order to obtain parliamentary representation. This was because the new socialists ran in the electoral field of the Pirate Party's voters, not having achieved as observed, the intended results.

In this context, the Government's composition won't be changed, keeping the coalition of the three above-mentioned parties ("independents", "progressivists", and left-wing ecologists) with the reaffirmation of Katrin Jakobsdóttir in the role of Prime-Minister. One of the aspects confirmed by these present elections were the progressive fragmentation of Iceland's party system, which is rising since the 2008 crisis and the elections the following year. It should be stressed that the 2009 elections resulted in the presence of five parties at the "Althingi", the 2013 elections in six parties, the 2016 elections in seven parties, the 2017 elections in eight parties, and the current elections have kept the same eight parties.

If between 1931 and 2009 the four oldest political forces ("independents", "progressivists", social democrats and socialist left)

added up about 90% to 100% of the votes, in the last 4 elections such percentage went down to somewhere between 62% to 75%. As Ólafur Th. Hardarson, professor at the University of Iceland has written: – “*In 1931-2016, most governments in Iceland were two-party coalitions. In the new party system, such coalitions are not possible. Most three-party coalitions would have to include the conservative IP. A centre-left coalition would need four or five parties. Icelandic parties and party leaders are still learning how to deal with this new reality*”.¹⁰

Parliamentary Elections in Iceland (2017 and 2021)

Parties	2017			2021			+ -
	Votes	%	M	Votes	%	M	
Independence Party	49.543	25.5	16	48.708	24.4	16	+ - 0
Progressive Party	21.016	10.7	8	34.501	17.3	13	+5
Left-Green Movement	33.155	16.9	11	25.114	12.6	8	-3
Social Democratic Alliance	23.652	12.1	7	19.825	9.9	6	-1
People's Party	13.502	6.9	4	17.672	8.8	6	+2
Pirate Party	18.051	9.2	6	17.233	8.6	6	+ - 0
Reform Party	13.122	6.7	4	16.628	8.3	5	+1
Centre Party	21.355	10.9	7	10.879	5.4	3	-4
Socialist Party	-	-		8.181	4.1	0	-
Liberal Democratic Party	-	-		845	0.4	0	-
Others	2.870	1.5	0	144	0.1	0	-
Null votes	5.531			4.249			
Total	201.777		63	203.976			
Electoral participation		81.2			80.1		

Source: Statistics Iceland (<http://statice.is>)

¹⁰ See Ólafur Th. Hardarson, Government coalition survives in Iceland for the first time since the bank crash of 2008, <https://whogoverns.eu/government-coalition-survives-in-iceland-for-the-first-time-since-the-bank-crash-of-2008/> (accessed on 20/11/21).

