



Resolution 2332 (2020)¹

Setting minimum standards for electoral systems in order to offer the basis for free and fair elections

Parliamentary Assembly

1. The Parliamentary Assembly attaches great importance to, and underlines its sustained interest in, electoral matters. It refers to its previous work in this domain, in particular [Resolution 2251 \(2019\)](#) on updating guidelines to ensure fair referendums in Council of Europe member States, [Resolution 1897 \(2012\)](#) on ensuring greater democracy in elections, [Resolution 1826 \(2011\)](#) on the expansion of democracy by lowering the voting age to 16, [Resolution 1705 \(2010\)](#) on thresholds and other features of electoral systems which have an impact on representativity of parliaments in Council of Europe members States, [Resolution 1590 \(2007\)](#) “Secret ballot – European code of conduct on secret balloting, including guidelines for politicians, observers and voters”, and [Resolution 1320 \(2003\)](#) on the Code of Good Practice in Electoral Matters.
2. The Assembly greatly values the role of the European Commission for Democracy through Law (Venice Commission) as the leading Council of Europe expert body in electoral matters and its own long-standing co-operation with the Venice Commission in setting electoral standards in Europe.
3. In particular, the Assembly highlights the importance of the Code of Good Practice in Electoral Matters (2002) drafted by the Venice Commission on the initiative of, and in close co-operation with, the Assembly. The code contains the underlying principles of Europe’s electoral heritage and is widely recognised as a key Council of Europe document, which is aimed at promoting the harmonisation of electoral standards and at serving as a reference for evaluating elections.
4. Free and fair elections constitute the very foundation of democratic government and a cornerstone of representative democracy. By electing representatives from among themselves to form governing bodies, citizens exercise their right to be represented in the political decision-making process.
5. The legitimacy of a democratic system depends on public confidence that all constituents, regardless of their political preferences, have equal access to, and are fairly represented in, decision-making institutions, and that the composition of these institutions duly reflects the political spectrum of society.
6. The electoral system, as the set of rules designed to organise elections and to transform votes cast into political mandates and seats, in parliament and other elected bodies, is one of the key elements of representative democracy. It has a strong impact on the representativity of, legitimacy of and public confidence in democratic institutions.
7. There is a great variety of electoral systems in Europe, both in terms of legislation and practical implementation. This variety results from different political histories, cultures and traditions. In every country, the electoral system is based on a consensus among political actors and society at large. Electoral systems in different countries are founded on different political principles and produce different results in terms of representativeness and governability.
8. In this context, the Assembly notes that different electoral systems do not provide an equal degree of fairness when it comes to translating the votes cast into political mandates and seats in parliament. It is concerned that, under some electoral systems, even if the legal rules are observed, substantial numbers of

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 15 September 2020 (see [Doc. 15027](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Rik Daems).*



constituents are not represented in elected institutions, or do not see in parliament the candidates for whom they voted. Inversely, some systems provide the winning parties with parliamentary majorities which largely exceed the real support they enjoy among citizens.

9. This inconsistency between legality and legitimacy undermines public trust in the democratic process and creates a fertile ground for populism and extremism.

10. The Assembly believes that the failure of an electoral system to prevent a large discrepancy between the political choices of the constituents as expressed in elections and the composition of elected institutions is a sign of democratic deficit and puts the system's fairness in doubt.

11. The 2002 Code of Good Practice in Electoral Matters defines the principles for elections and states that, within the respect of these principles, any electoral system may be chosen. At the same time, the code does not contain any specific criteria that an electoral system must respect in order to be deemed fair and democratic.

12. Moreover, the Assembly believes that, almost eighteen years after its adoption, the 2002 Code of Good Practice in Electoral Matters needs to be updated in order to keep pace with the evolving political realities observed in our societies and to face new challenges, and also to take into account ongoing work and reflection within the Venice Commission over the years, including more recently in the context of updating the Code of Good Practice on Referendums upon the Assembly's proposal.

13. Therefore, the Assembly invites the Venice Commission to:

13.1. reflect on the issues raised in paragraphs 8, 9 and 10 above and to consider ways to set up minimum standards with which electoral systems must comply in order to be deemed as guaranteeing not only free elections but also the fair results thereof;

13.2. consider the possibility of updating the Code of Good Practice in Electoral Matters, taking into account, to the extent possible, relevant Assembly resolutions and its own work on specific issues related to the conduct of elections, as well as its country-specific reports and opinions, in particular as regards voting rights for citizens abroad, independent candidacies, turnout requirements, thresholds, ranking order of party lists, the balanced participation of women and men and the equal representation of women.

14. Moreover, the Assembly welcomes the work recently done by the Venice Commission and the Council of Europe Information Society and Action against Crime Directorate on digital technologies and elections and invites the Venice Commission to remain alert to emerging phenomena which may affect the functioning of electoral systems and, *in fine*, the quality of the democratic process, such as the:

14.1. transition to an information society and the unprecedented role and influence of social media;

14.2. misuse of both traditional and social media for spreading biased information and "fake news";

14.3. fluidity of national political landscapes with the swift emergence of new faces and new actors (for example political parties and movements) at the expense of "traditional" ones;

14.4. growing influence of party bureaucracies that tend to take precedence over the choice of voters;

14.5. potential margins for abuse of political advertising.

15. Finally, the Assembly resolves to continue to follow closely, in co-operation with the Venice Commission, electoral matters, both as regards the setting of, and compliance with, relevant international standards in this field.