THE ELECTORAL THRESHOLD IN THE ELECTORAL LEGISLATION IN THE COUNTRIES OF THE FORMER SFRY – ONE COMPARATIVE ANALYSIS AFTER THREE DECADES OF POLITICAL PLURALISM

Nikola Ambarkov
Ph.D. in Political Science, M.Sc. in European Studies;
amvelbares@gmail.com; ambarkov_nkl@yahoo.com

Abstract

The topic of the exploration is the electoral thresholds in the electoral systems in the states created in the territory of the former Yugoslavia. The paper does a comparative analysis of one of the most significant components and characteristics of the electoral systems in the South Slavic states. It should be noted that the proportional model without exception dominates in all countries of the former SFRY. The main idea in the application of the proportional electoral system is that the distribution of mandates should be in proportion to the election results. However, when applying this model in the countries of the former Yugoslavia, there are numerous variations. The differences are referred to the electoral formula, district magnitude, the types of ballots, and what this paper will be abstracted on – the electoral threshold. In the selected cases, it will be noted that there are differences between the electoral thresholds. Some of them are imposed for the single nationwide constituency, but there are also thresholds imposed at the district level, but also examples where there is no formal, but effective electoral threshold. As all the countries of the former Yugoslavia went through a process of democratic transition, the existence of an electoral threshold in most of them was intended to set a barrier to the entry of populist parties into the parliament and to test whether political parties are rooted in society and whether they reflect the interests of a certain layer of citizens.

Keywords: electoral threshold, formal thresholds, effective or natural thresholds, proportional electoral model, the six states of the former Yugoslavia

1 INTRODUCTION

Elections are fundamental for understanding and functioning of liberal pluralist democracies and play a central role in building a democratic order in almost all modern countries in the world (Deren-Antoljak, 1992: 217). Today in the science of elections and electoral systems there is a whole range of definitions that refer to elections. In this sense we are talking about elections as a) a necessary basis for the identification of holders of political power (Goati, 1991: 21); b) a source and foundation for the legitimacy of state authorities within the system of representative democracy (Sokol & Čala, 1990); c) the most important institution of the democratic representative order (Kasapović, 2003: 129) and d) elections are understood as a polyarchy (Dahl, 1998: 126).
The issue of the electoral system is a matter of political power. When the creators of the electoral system decide to model it to meet their assumed expectations, the creators of the electoral model have several important structural elements at their disposal that directly affect the election result. These are primarily the constituencies (size of constituencies), the rules for the election contest, the voting procedure, the rules for deciding, i.e. the different methods for calculating and converting the votes into mandates, and what is the special focus of this paper – the electoral threshold (Deren-Antoljak, 1992: 221-222).

"Electoral rules in most countries that apply the principle of proportionality prescribe an electoral threshold that allows participation in the distribution of seats and, therefore, access to parliament only by those political parties that win a predetermined minimum number of votes" (Ibid., 227). The fact that the electoral threshold is associated with the proportional electoral system (PR), as one of the electoral models, in addition to the majority, mixed and others, is not at all surprising. This model dominates, without exception, in all countries of the former SFRY. " The main idea in the application of proportional electoral systems is that the distribution of mandates should be in proportion to the election results" (Dimitrievski, 2017: 5). However, when applying this model in the countries of the former Yugoslavia, there are numerous variations. The differences are referred to the electoral formula, district magnitude, the types of ballots, as well as what this paper will be abstracted on – the electoral threshold.

2 THE ELECTORAL THRESHOLD IN THE THEORETICAL LITERATURE

All electoral systems have thresholds of representation: that is, the minimum level of support that a party needs to gain representation. Thresholds can be legally imposed (formal thresholds) or exist as a mathematical property of the electoral system (effective or natural thresholds). Formal thresholds are written into the constitutional or legal provisions which define the PR system. An effective, hidden, or natural threshold is created as a mathematical by-product of features of electoral systems, of which district magnitude is the most important (Reynolds et al., 2008: 83-84). In addition to the threshold of representation, there is also a threshold of exclusion that can be defined as a minimum number of votes that even under the most favorable conditions may be insufficient for the party to receive a seat. If the party passes the lowest threshold, it becomes possible to win a mandate, while if it passes the highest threshold, the party is guaranteed a mandate (Klimovski & Karakamiševa, 2006: 276).

The main goal of the electoral threshold in systems of proportional representation is to block the entry of small parties into the legislature and thereby reduce partisan fragmentation within the legislature and enhance coalition stability—what is also known as “enhancing governability”. At the same time, however, the electoral threshold is liable to infringe upon the principle of representation—a fundamental principle of democracy—and especially on the right of minority groups to be represented in parliament (Troen, 2019: 1). Hence, according to the same author, a key challenge in any electoral design is "how high should the electoral threshold be set in order to balance the need for governability on the one hand and the democratic principle of safeguarding minority group representation on the other hand?“ (Ibid.,).

The purpose of this paper is to consider the nature of the electoral thresholds used in the countries of the former Yugoslavia. It should be noted that in all selected cases the proportional model with an electoral list dominates, but still, they all, in one way or another, differ in several features, including in terms of the electoral threshold. In the selected cases,
it will be noted that there are differences between the national electoral threshold, which is imposed for the single nationwide constituency, thresholds imposed at the district level, and also examples where there is no formal, but an effective electoral threshold.

3 THE ELECTORAL THRESHOLD IN THE ELECTORAL LEGISLATION OF THE COUNTRIES OF THE FORMER SFRY – A COMPARATIVE REVIEW

To analyze this issue, the selected countries will be elaborated through the above-mentioned parameters – the size of the representative body, the district magnitude (the number of seats in the electoral district), the electoral formula, and the electoral threshold. These structural elements for studying the effects on the electoral system were introduced by the doyen of political science, Arend Lijphart, in his work “Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990”.

Slovenia. This country is a unique example of the former SFRY that has a bicameral structure of its representative body. The Parliament is composed of the National Assembly (Slovene: Državni zbor), consisting of 90 MPs, and the National Council (Slovene: Državni svet) which has 40 members. Unlike the Council, where indirect elections are provided, the MPs for the National Assembly are elected directly in eight electoral constituencies (Slovene: volilni enoti). Eighty-eight (88) seats in the National Assembly are distributed according to proportion, and the 2 minority seats for the Hungarian and Italian communities are elected according to the winner-takes-all system in two additional single-member constituencies (Đukanović, 2006: 519). In Slovenia, two formulas are used for the redistribution of seats. First, at the level of the eight constituencies, the Droop quota is applied, which raises the divisor by the number of seats plus one (Jovanović, 2004: 392-393). However, in this distribution of the parliamentary mandates, as a rule, not all 88 seats in the National Assembly are filled. The seats that in the first phase will remain undivided will be allocated among the parties at the national level, where the D’Hondt formula is used, i.e. the highest averages method, by applying a series of divisors 1,2,3,4,5, etc.

The electoral threshold, which we analyze in this paper, in Slovenia is 4%. It should be emphasized that this is a national electoral threshold, i.e. it is not applied at the level of the eight constituencies. In Slovenia, there has been an evolution of the electoral threshold in the past two decades of political pluralism. In the first two election cycles for the National Assembly, held in 1992 and 1996, a threshold of 3.2% was applied, which was passed by 8 and 7 political formations, respectively. The current 4% electoral threshold was first applied in 2000. With this, Slovenia joined the group of countries analyzed by Troen (2019: 21), which followed the general trend to increase the electoral threshold, in contrast to a smaller part where it decreased. It is indicative that even the threshold of 3.2% or 4% for the National Assembly, was traditionally passed from 7 (in 2004, 2008, 2011, 2014) to 8 (2000) political formations. The exception is the penultimate parliamentary elections where the hurdle of 4% was “skipped” by 9 political entities in 2018, as well as the last elections in 2022 when only one political movement and 4 political parties entered the Parliament. The electoral thresholds that have been applied in Slovenia for the past three decades (of 3.2%, and 4%), on the one hand, contributed to the democratization of Slovenian society in a sensitive period of transition and at the same time prevented excessive polarization of the political space. On

---

1 Each constituency consists of eleven electoral districts (Slovene: volilnih okrajev) and 11 MPs are elected from each constituency, although not necessarily one in each of the electoral districts.

2 For example, in 2014, 21 of the 88 seats in the electoral districts remained unfilled, thus being redistributed at the national level (Časnik Večer d.o.o. Pridobljeno dne 2018-03-18).
the other hand, the excessively low thresholds allowed parties with a very small share of votes to enter, thus causing considerable unpredictability in the entry of new parties and difficulties in forming coalitions as well as in the functioning of the National Assembly (Zajc, 2004: 135).

Croatia. Croatia’s electoral system, especially in the first decade of Croatian independence, had undergone dramatic changes. The first plural elections for the Parliament of the Socialist Republic of Croatia, in 1990, were held according to the two-round system. A certain proportional component has been introduced for the 2nd and 3rd elections for the Croatian Parliament (Croatian: Hrvatski sabor). The ratio of proportional vs. mandates gained in single-member constituencies in the 1992 elections was (60:64), and in 1995 (80:28) (Nohlen & Kasapović, 1997: 51). The current electoral model by which the whole country is divided into ten electoral districts3 in which 14 MPs are elected, whose mandates are redistributed according to the D’Hondt formula was introduced in anticipation of the 4th elections for the Croatian Parliament in 2000. There are also two additional electoral districts for the diaspora (3 seats) and minorities (8 guaranteed seats) (Palić, 2012: 51). The Constitution of Croatia stipulates that „the Croatian Parliament shall have no less than 100 and no more than 160 deputies“ („The Constitution of the Republic of Croatia”, Art. 72).4

As the electoral model in Croatia evolved, so did the electoral threshold, beginning in 1992, when proportional elements were introduced, and also a single national electoral threshold of 3% was envisaged, passed by 6 political parties and 1 coalition. When, in the next elections in 1995, the proportional mandates in the mixed electoral model were increased from 60 to 80, the national electoral threshold was changed. Then, for the first time, but also for the last time, a differential electoral threshold of 5% for one party, 8% for two parties, and 11% for three or more parties was applied (Palić, 2012: 50). Four political parties passed the 5% electoral threshold and of 11% one coalition list with five political formations in it. A single electoral threshold of 5% was introduced with the establishment of the current electoral model in 1999. In the 2000 elections, 3 coalitions and 1 party achieved the 5% electoral threshold. It should be emphasized that in the legal solution in the Law on Election of Members of the Croatian Parliament in Art. 41 it is clearly stated that “the right to participate in the distribution of seats in the electoral districts is exercised by the lists that received at least 5% of the valid votes of the voters“. Hence, it can be concluded that the 5% electoral threshold in Croatia is applied at the district level, and not at the national level, as is the case with the previous example from Slovenia. Thus, in the 2003 elections, 8 political parties and coalitions entered the Parliament, of which 3 at the national level did not win more than 5% of the votes, but they had achieved this percentage in the districts. An equal number of political formations were elected to the Parliament in the 2007 parliamentary elections. Four of them at the national level had won less than 5%. But because these parties were with good regional strongholds, especially in Istria (electoral district VIII), and Slavonia and Baranja (electoral districts IV and V), they won seats because they passed the 5% electoral threshold of votes in these electoral districts. Except for the elections in 2011 (when 7 political parties and coalitions entered the Parliament), in all the remaining elections of 2015, 2016, and 2018, the number of political entities that have won seats in the

---

3 „The electoral districts are formed in such a way that they largely coincide with the existing administrative division of the Republic of Croatia into municipalities, cities and counties“ (Dukanović, 2006: 520).

Croatian Parliament was continuously 8. Parties with less than 5% support at the national level, but with more than 5% in the districts took part in the work of Parliament in 2011 and 2016 (4), in 2015 (5), and 3 in 2018.

Such experience with the application of the electoral threshold in Croatia, on the one hand, shows us that if it is applied at the national level it would be fundamentally contrary to the purpose of the proportional electoral model because it would prevent participation in the distribution of seats for smaller political actors. They, on the other hand, according to the current electoral threshold of 5% applied at the district level, have a good chance of entering the Parliament, especially those political formations with strong regional strongholds. As an example, we can point out the Croatian Democratic Alliance of Slavonia and Baranja (Croatian: Hrvatski demokratski savez Slavonije i Baranije), or Istrian Democratic Assembly (Croatian: Istarski demokratski sabor).

**Bosnia and Herzegovina.** The complex state structure created by the Dayton Peace Accords (DPA) in the American city of the same name is reflected in BiH’s complex electoral system, which went through two stages in its development. It is about the temporary electoral system which was based on Annex III of the DPA (Elections in Bosnia and Herzegovina), with an especially emphasized role in Art. II (1) of the OSCE Election Mission, as well as the permanent electoral system adopted by the Parliamentary Assembly of BiH in 2001 (Sahadžić, 2009: 65, 67). According to Mirjana Kasapović (2003: 196-197), the legislator in 2001, opted for a proportional electoral system, and the existence of a large number of multi-member constituencies, which is conditioned by the complex composition of this country. Moreover, thanks to the two federal entities5 in this country, it was necessary to establish the existence of a proportional and compensatory component in the electoral model. Forty-two members of the House of Representatives of the Parliamentary Assembly6 of Bosnia and Herzegovina (HR PA BiH), are selected in a way that 28 come from FBiH, and 14 from RS. 21/28 MPs from FBiH are elected in five, and 9/14 seats in RS are redistributed in three multi-member constituencies. The remaining 7 respectively 5 mandates are distributed from the compensatory lists, where the same proportional formula is applied (Research Center of the Parliamentary Institute of the Parliament of Montenegro, /RC PI PM/, 2016: 11). Both direct and compensatory mandates are distributed according to the Sainte-Laguë formula.

BiH, like Montenegro and Serbia (see below), has the lowest electoral threshold in the region at 3% (Arnaut, 2021: 35-36). In the initial development of the permanent electoral system in BiH, a double threshold was applied, of 3% for the direct and 5% for the mandates from the compensatory lists. The re-actualized Electoral Law states that “only political parties and coalitions, which won more than 3% of the total number of valid ballots for the territory of the entity for which the compensatory list is made, may take part in the distribution of compensatory mandates“ (Art. 9.6. a), Electoral Law of BiH.

---

5 BiH is made up of two entities – the unitary Republika Srpska (RS), and the Federation of BiH, which is divided into 10 cantons (5 with Bosniak, 3 with Croat, and 2 with mixed ethnicity). The two entities have shared sovereignty over the Brčko District.

6 The Parliamentary Assembly has a bicameral structure. The second chamber is the House of Peoples. It consists 15 delegates. 5 delegates are delegated from the RS National Assembly, and 10 from the Bosniak (5) and Croatian (5) caucus in the House of Peoples of the Parliament of the FBiH (Đukanović, 2006: 522).
The effects of applying the 3% electoral threshold in BiH so far are quite ambiguous. One of the most problematic aspects is that this electoral threshold produces an oversized representative body. Thus, after a total of five General Elections in BiH, according to the current Electoral Law, the number of parties represented in the HR PA BiH varied from 12 (in 2006, 2010, 2014) to 13 (in 2002) to 14 in the current composition from 2018. All this creates preconditions for a more difficult formation of a government majority or an unstable parliamentary majority because different political parties are constantly proliferating. These smaller political entities disproportionately influence the entire government in a way that insists on their lucrative positions in government to further support it. For these reasons, the mainstream political parties, which, as a rule, constitute the government at the central level (Bosniak SDA, Serbian SNSD, and Croatian HDZ BiH) prefer to increase the electoral threshold. With that, in the future, they would not be forced to relinquish a significant and disproportionate number of important positions to smaller parties (Arnaut, 2021: 35-37). Therefore, "to consolidate democracy and the party system, the electoral threshold should be raised from 3% to 5% party participation in the electorate. It would help the party system not be so atomized" (Pejanović, 2021: 234). It should be noted that the atomization of HR PA BiH is not only due to the relatively low threshold of 3%, but also its combination with the method of redistribution of seats – Sainte-Laguë, which according to Liphart’s opinion „leads to an approximate proportionality very close to that expressed in practice, because it treats in an ideally impartial way both small and large parties“ (quoted by Klimovski & Karakamiševa, 2006: 263-264).

Montenegro. With the proclamation of Montenegrin independence and the adoption of the new Constitution in 2007, it was established in Art. 83 that “the Parliament shall consist of the Members of the Parliament elected directly on the basis of the general and equal electoral right and by secret ballot. The Parliament shall have 81 Members“. This is important to emphasize because the number of members of the Montenegrin Parliament during the period when the country was part of the Federal Republic of Yugoslavia, and the State Union of Serbia and Montenegro varied: 1990 (125), 1992 (85), 1996 (717), 1998 (73), 2001 (77), 2002 (75). The size of the electoral districts also varied – 20 in 1990, 14 in 1996, and the state as a single national constituency in all other election cycles (Vujović, 2012: 13). But, unlike some other countries of the former SFRY, what was permanently present in the Montenegrin electoral legislation was the application of the proportional model and the D’Hondt formula for the distribution of mandates.

The evolution of the electoral threshold in Montenegro proceeded as follows. In the first three election cycles in pluralism (1990, 1992, 1996) was used a legal threshold of 4% of the total number of votes cast in the electoral districts. It should be noted that with the amendments to the Electoral Law of 1992, the effective threshold affected the structure of the Montenegrin Parliament, leaving two electoral lists that won more than 4% of the vote without seats (Pavićević, 1997). From the national elections in 1998, through those in 2001, 2002, 2006, to 2009, an electoral threshold of 3% was applied. The change of the Electoral Law from 2011 introduced a differential electoral threshold so that in addition to the threshold of 3%, there is also a threshold for minority parties of 0.7%, i.e. 0.35% for the parties representing the Croatian national community. This differential threshold for minority parties can be said to be a kind of reserved seat, because passing the threshold guarantees winning the first mandate for each of the minorities, regardless of the size of the D’Hondt quotient and its effect. According to the current Electoral Law, in the 2012

---

7 7 seats in these elections were elected in a special constituency for minorities.
elections, it is interesting to note that besides the 4 parties and coalitions that passed the 3\% threshold, the same was achieved by the Bosniak minority party, and the threshold of 0.7\% was passed by 2 Albanian formations, and that of 0.35\% by the Croatian minority party. Seven parties passed the threshold in 2016, including the party of the Bosniak community. This time the Albanian minority parties won 1 mandate, the same as the Croatian ones. An identical number of political options have won seats at the last parliamentary elections in 2020, passing the 3\% threshold. But unlike the previous elections, the Croatian minority parties did not win a mandate for the first time since the introduction of the differential threshold for this community of 0.35\%, while the Albanian parties won 2 seats (Čedović & Vujović, 93-96). According to the same authors, the effects of the application of such electoral thresholds in Montenegro enable political parties to often resort to forming pre-electoral coalitions to avoid the “spoilage” of the votes. On the other hand, this has resulted for smaller parties without more serious voter support to have a disproportionately large share in the composition of the Parliament (Ibid., 96).

**Serbia.** "The Parliament of the Republic of Serbia is unicameral and has 250 MPs who are elected in four years" (RC PI PM, 2016: 24). The evolution of the electoral model so far has taken place in three phases: 1) a two-round system in the 1990 elections; 2) a proportional electoral model in multi-member electoral districts (9 in 1992, 1993, and 29 in 1997); 3) a proportional electoral model with one nationwide constituency from 2000 onwards, using the D’Hondt sequence of divisors (Đukanović, 2006: 524-525). With the 2000 Electoral Law, a 5\% threshold was introduced. The relatively high threshold resulted in the expulsion from the Parliament of several political parties belonging to national minorities, as well as smaller parties. In the 2000 and 2003 elections, 4 and 6 electoral lists passed this threshold, respectively. This was one of the reasons why the lowering of the electoral threshold was demanded. However, this addressed problem for the minority lists was exceeded after the amendments to the Law on the Election of MPs from 2004. The new legal solution, introduced a determinant according to which minority parties and lists will be elected to parliament even if they win less than 5\% of the vote (Ibid.). Practically since then, a *de facto* natural electoral threshold of 0.4\% has been applied to minority lists. Thus, in the elections in 2007, 6 political entities and 5 minority lists passed the threshold of 5\% and 0.4\%, respectively; in 2008, that ratio was 5 parties and coalitions and 3 minority lists; in 2012 6 parties and coalitions and 5 minority parties; in 2014 4 coalitions and 3 minority parties, and in 2016 7 political options and 5 minority parties entered the National Assembly.

The idea of lowering the electoral threshold from 5\% to 3\%, which was advocated in Serbia two decades ago by smaller political parties, was realized in 2020. In anticipation of the parliamentary elections the same year, all relevant polls showed that almost no opposition party would be able to pass the 5\% threshold. During this period, the ruling Serbian Progressive Party (Serbian: SNS) led by President Vučić, faced accusations of regime action. To show that it had nothing against the opposition, SNS agreed to lower the electoral threshold. But to make the paradox even bigger, in the 2020 parliamentary elections, only 2 coalitions and 1 party passed the 3\% threshold (Arnaut, 2021: 36). Four minority lists also won mandates. This outcome was partly due to the boycott of the opposition. The opposition still took part in the last elections in 2022 when five opposition coalitions (three right-wing, one “big tent”, and one “green”), and two coalitions led by the

---

8At the time, Milošević’s ruling party, the SPS, wanted to question the true proportional effect of the system by introducing several multi-member electoral districts, 9 and 29, respectively (Đukanović, 2006: 524).
current ruling parties SNS and SPS passed the 3% threshold. Again, 4 minority lists have been able to gain seats in the National Assembly, but not a single Albanian one for the first time.

**N. Macedonia.** Just like in Serbia, in N. Macedonia we had an evolution of the electoral rules in three phases, and key turning points were the election cycles in the early nineties, 1998, and 2002. In these three electoral stages the Macedonian electoral model moved from a pure two-round system, with 120 single-member constituencies, to a mixed model with 85 single-member constituencies and a proportional component, with 35 MPs elected in a single national constituency and a 5% electoral threshold, to a purely proportional model in six electoral units, where 20 MPs are elected“ (Bocevski, 2021). In both cases, when the proportional component was introduced in the mixed system in 1998, but also in the current one, parliamentary seats are allocated according to the D’Hondt formula.

As for the electoral threshold, except for the 1998 elections, when a national electoral threshold of 5% was applied to the 35 seats elected in the country as one constituency, after 2002, the seats were distributed proportionally, without formal, but according to an effective electoral threshold. Hence, N. Macedonia is the only country from the former SFRY that “does not provide for the existence of an electoral threshold, so all political parties can win mandates, by the achieved election results“ (Đukanović, 2006: 529). So far, 7 parties and coalitions have succeeded in 2002, 8 in 2006, 5 in 2008 and 2011, and 6 in 2014, 2016, and 2020 to enter the Parliament. The effects of the current application of this model are that it encourages moderate multipartism, which is dominated by two parties/coalitions in both the Macedonian and the second largest ethnic community in the country – the Albanian (Daskalovski, 2019: 460). This electoral model has also given a serious impetus to the stability of the governing coalition, as its effects are almost the same as the majority system (Deskoska, 2012: 2). In the past two decades since its application, it has been difficult for small parties to enter the Parliament. Hence, the debate over the need to set an electoral threshold is still very heated, because the introduction of such a measure could still exclude someone from entering the Parliament (Bocevski, 2021). One possible solution suggested is to keep the six multi-member electoral districts, where there is no formal threshold, but to replace the D’Hondt sequence of divisors with that of Sainte-Laguë, which is applied for example in BiH. According to Dasakalovski’s simulation (2019: 464-465), indeed, in the Parliament, we would have a greater “flow” of several smaller parties: 3 in 2006, 2 in 2002, 2008, 2011, and 1 in 2014, and 2016.

**4. CONCLUSION**

Electoral experts agree that there is no single best electoral system, as “each electoral environment has different factors to take into account and that each electoral system has particular general advantages and disadvantages“ (Wall & Salih, 2007). One of those factors that were taken into account in this comparative analysis is the electoral threshold. As all the countries of the former Yugoslavia went through a process of democratic transition, the existence of an electoral threshold in most of them, when the proportional electoral model was introduced, was intended to set ”a barrier to the entry of populist parties into the parliament and to test whether political parties are rooted in society and whether they reflect the interests of a certain layer of citizens“ (Bocevski, 2021). That is why, in the recommendation of the Parliamentary Assembly of the Council of Europe so far, it has been
suggested that the electoral threshold should not exceed 3% in “well-established democracies” (Arnaut, 2021: 36). However, in most countries on European ground it “gravitates” around 5%, as is the case with here analyzed Croatia, Serbia until 2020, and the Republic of Macedonia in 1998. Although countries such as BiH, Montenegro, and Serbia, due to the more modest three decades of pluralistic experience, cannot be included in the group of well-established democracies, however, in their legislation, they have abstracted on the 3% threshold. In Slovenia, in the first two election cycles, where the threshold was 3.2%, it was still decided to increase it to 4%. N. Macedonia remains a supporter of the concept of an effective electoral threshold.

The effects and experiences from the application of different electoral thresholds so far in the here selected cases are also different. In Slovenia, the current electoral rules, which include the national electoral threshold of 4%, enabled successful democratization of the political space and prevented its excessive polarization. Five percent electoral threshold in Croatia, which is applied at the level of electoral districts, in a measured and functional way provides “passability” in the Croatian Parliament of mainstream political parties (primarily HDZ, SDP), but also of parties with a strong regional identity and good strongholds in the ten electoral districts. Despite the relatively low electoral threshold of 3% in Montenegro, with the aim to avoid “spoilage” of the votes, political parties often resort to forming pre-electoral coalitions, the goal of which was to dethrone Đukanović’s party DPS, which finally happened at the 2020 elections. In BiH, the unfortunate combination of a low 3% electoral threshold with the Sainte-Laguë formula (which is more party-neutral, as opposed to D’Hondt, which favors larger parties and coalitions) has resulted in the atomization of the HR PA BiH, more difficult government formation, and instability of the parliamentary majority. Hence the call for the introduction of a higher threshold of 5% seems justified. The 5% threshold that was nurtured in Serbia until the 2020 elections encouraged more moderate multipartyism and the formation of relatively stable coalition governments. Moderate multipartyism and stability of the parliamentary majority and the government are the effects produced by the Macedonian electoral model, that is the only one of the countries of the former SFRY where there is no formal threshold. But the smaller political parties are most dissatisfied with this model because it deprivileges them. Hence, they are the most vocal about changing the existing model, by introducing a single nationwide constituency, without a formal electoral threshold, and open lists. Leading Albanian parties (explicitly) and Macedonian (implicitly) are against it because the existing model favors them.

5 REFERENCES


Izborni zakon Bosne i Hercegovine (Tehnički prečišćeni tekst), www.izbori.ba


Ustav Crne Gore - Paragraf Lex MNE

Ustav Republike Hrvatske, pročišćeni tekst, NN 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14


Zakon o izborima zastupnika u Hrvatski sabor, pročišćeni tekst zakona NN 116/99, 109/00, 53/03, 69/03, 167/03, 44/06, 19/07, 20/09, 145/10, 24/11, 93/11, 120/11, 19/15, 104/15, 98/19 na snazi od 01.01.2020