Electoral system and elections in Belgium

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Abstract

This chapter presents the main components of the Belgian electoral systems. Especially, it looks at the list proportional representation, the division of the country in electoral districts of different magnitudes, the rules organizing the election of candidates within lists (ballot structure), compulsory voting, voting rights and electronic voting. It also discusses the impact of those electoral rules on voters and political parties, making use of recent research on the case of Belgium as well as on countries that use similar electoral rules to conduct elections. Finally, it discusses a few dimensions of the Belgian electoral system that are at the center of political discussions and that may lead to reforms in the coming years.

Keywords: Electoral systems, electoral laws, electoral formula, district magnitude, ballot structure, compulsory voting, electronic voting, gender quotas, parity laws

Introduction

In this chapter, we discuss the main characteristics of the Belgian electoral system, speaking first about the rules in place for the election of the Lower Chamber of the Federal Parliament – the Chamber of Representative because it is the historical model and is more constitutionalised than the other levels of power. We also highlight the specific elements concerning regional and local electoral rules when there are major differences with the Chamber of Representatives. In the first quarter of the 21st century, the regional entities received the legal authority of local and regional elections (see chapter 'Federalism' in this Handbook). They have used it quite extensively, giving a new dynamic to electoral reforms in Belgium.

Next to presenting the core characteristics of the electoral system, the chapter will also discuss two additional elements. First, we will mobilise the scientific literature on the consequences for voters, candidates and parties of the main rules organizing elections in Belgium. Second, we will present a few important debates to reform electoral rules in Belgium. Then, in the conclusion, we will elaborate on a few potential avenues for future research.

1. The main components of the Belgian electoral system

In this section, we will briefly present the four main components of the electoral system as they were in place for the most recent elections of the federal Chamber of Representatives of June 2024. Those four main components are the electoral formula (List Proportional Representation - LPR), the division of the country into electoral districts (11 for the federal Chamber of representatives), the ballot structure (semi-open/flexible lists), and the fact that voting is

compulsory (CV) for (almost) all elections. We will present in general what are those four core attributes of the Belgian electoral system and mobilise the scientific literature to discuss their impact on voters, candidates and political parties.

1.1. List Proportional Representation

The main characteristic of the Belgian electoral system is that, like in 60% of all democracies across the Globe (Borman and Golder 2013), parliamentary seats are allocated under LPR, and that for all elections at all levels (municipal, provincial, regional, federal and European). LPR has been in place in Belgium since 1899, at the heart of the wave of electoral system change towards LPR across European democracies (Kreuzer 2010).

The general logic of LPR is that lists composed of candidates compete for votes, and they receive a share of seats proportional to their share of votes. The logic is not to identify a winner but to give each list a fair representation in parliament that is in line with the electoral support received. In practical terms, LPR is organised in Belgium under the D'Hondt formula (except for municipal and provincial elections for which the Imperial formula is used), implemented separately within each electoral district (see next subsection). Once all votes have been counted and allocated to lists, a first step is to calculate the electoral quota. For that, the number of votes received by each party is divided successively by 1, 2, 3, 4, 5 and so on[1]. All quotients obtained are then ranked from the highest to lowest. The quotient that corresponds to the number of seats to be allocated in the district becomes the electoral quota for that district. The electoral quota is then used to divide the score of each list (in number of votes). Each list initially receives as many seats as the number of times it has passed the quota: if the quota is 1,000, for example, a

[1] With the Imperial formula, the number of votes received by the different lists is divided successively by 2, 3, 4, 5, and so on.

list with 5,500 votes gets five seats. Then the remainder votes for each party are ranked. Seats that remain to be allocated are distributed to the parties with the largest remainders until all seats are gone.

The main consequence of LPR is a high fragmentation of the party system with a large number of parties represented in parliament (Ward 2019). In 2024, 12 parties won at least one seat in the Chamber of Representatives. A common indicator used to capture party system fragmentation is the effective number of political parties (ENPP) that accounts for the number of parties winning seats but weighted by the size of the different parties (see Laakso & Taagepera 1979). In the Chamber of Representatives, the ENPP has been rather high in Belgium (see table 1).

Table 1: Effective number of parties

in the Belgian Chamber of Representatives

Year of election	ENPP
2024	10.3
2019	10.9
2014	9.4
2010	10.0
2007	7.9
2003	7.0
1999	9.1
1995	8.0
1991	8.4
1987	7.1

1985	7.0
1981	7.6
1978	6.8

This high number of parties represented in parliament is due to the different cleavages that structure the Belgian political system (see chapter 'Cleavages and party system' in this Handbook). First, the linguistic cleavage leads to the co-existence of two-party systems with similar parties in both Dutch- and French-speaking Belgium. Within each of the two-party systems, the proportionality of the electoral system has made it possible for parties from different party families to gain seats: radical left, social-democratic parties, greens, Christian-democratic parties, regionalists, liberals and radical right (Caluwaerts & Reuchamps 2020).

1.2. Electoral districts

Seats under LPR can be allocated within one single nationwide electoral district (like in the Netherlands and Slovakia). But such territorial organisation is rare. In the vast majority of countries using LPR, the territory is divided into electoral districts that may vary in number, size, shape, and the number of seats to be allocated (defined as District magnitude – DM).

Belgium is no exception. For federal elections in the Chamber of Representatives, the territory is divided into 11 electoral districts, which correspond to the 10 Belgian provinces, plus the constituency of Brussels. DM ranges from 4 (in the province of Luxembourg) to 24 in the province of Antwerp (see table 2)

Table 2: Electoral districts for the federal Chamber of Representatives

District	Number of seats
Brussels	16
Antwerp	24
Flemish Brabant	15
Walloon Brabant	5
West Flanders	16
East Flanders	20
Hainaut	17
Liège	14
Limburg	12
Luxembourg	4
Namur	7

Electoral districts also divide the territory for European and regional elections. For European elections, there are three constituencies: a Dutch-speaking one (13 seats), a French-speaking one (8 seats), and a German-speaking one (1 seat). Voters living in Brussels can decide to cast their vote in the Dutch-speaking or the French-speaking constituency. For Flemish regional elections, seats are allocated in six districts (the 5 provinces and Brussels). For Walloon regional elections, there are 11 electoral districts, but in 3 provinces (Hainaut, Liège and Namur), there is a two-tier of seat allocation with direct seats first allocated in tier-1 district, and remainder seats (and votes) allocated then in the upper tier which corresponds to the province. For the Brussels regional elections, the system is similar to the European elections. Voters (and lists) should decide between two separate linguistic constituencies: a Francophone one (72 seats) and

a Dutch-speaking one (17 seats). Finally, for the election of the Parliament of the German-speaking Community (Ostbelgien), there is a single electoral district with 25 seats.

Research shows that electoral districts have two main political consequences. First, their magnitude has an impact on the degree of proportionality, and especially on the number of parties that can gain at least one seat in a district (Lijphart 1994, Farrell 2011). For example, in the provincial electoral district of Luxembourg, there are only 4 seats to be allocated for the federal Chamber of Representatives. By definition, only four parties can obtain at least one seat. And the smallest party to gain one seat should secure at least one half of the vote share of the largest party. Indeed, we can observe that in the recent federal elections, the Green party Ecolo was only able to gain one seat in 2019, but not in 2024 and 2014. And for that, it had to obtain 16% of the votes. By contrast, in the large electoral district of Antwerp, there are 24 seats to be filled. In 2024, seven parties were able to secure at least one seat, one winning one seat with 9.6% of the votes.

Electoral districts also affect attitudes and behaviours of politicians, during electoral campaigns and once they are elected to parliament. Smaller electoral districts, with lower magnitude, incentivize politicians to pay more attention to the representation of the local interest of their home district. They spend more time in the district, emphasize their local roots in their campaign style, and perceive themselves more as representatives of their district once they are in parliament (Cain et al. 1987, André and Depauw 2013). This link has been confirmed for Belgium (in comparison to France and Portugal) by Pilet, Freire and Costa (2012). They observed that elected politicians from smaller districts within the three countries were more oriented towards defending the interest of their home constituents.

1.3. Semi-open lists

Since the adoption of LPR in 1899, the allocation of seats within lists is organised with a system of semi-open lists (or flexible lists). Candidates are elected depending on the combination of preference votes received and the rank ordering of the list that is protected to a certain degree (Renwick and Pilet 2016).

In the Belgian electoral system for the election to the federal Chamber of Representatives, voters have two possibilities for casting a vote once they have decided which list they want to support. First, they can tick the box on top of the list of their choice and cast a list vote. It means that they agree with the rank ordering of the list. Second, they can cast preference votes for candidates (as many preference votes as there are seats to be filled in the district). Such preference votes allow voters to disturb the ordering of candidates on the list.

After it is known how many seats each list has obtained, an eligibility threshold is calculated. It equals the number of votes for the list divided by its number of seats plus one. Candidates reaching the eligibility threshold based on their preference votes are directly elected. For the remaining seats, the total number of list votes cast for the list is divided by two. Then, the remainder is transferred to the candidate occupying the first position on the list until (s)he reaches the eligibility threshold. If there are still list votes remaining, they are transferred to the second candidate on the list and so on. When all list votes have been transferred and if there are still seats to be allocated the remaining candidates compete based on their preference votes only. The system gives some leverage to voters to modify the rank ordering of the list. And it

appears that in the last federal elections, about 55% of voters decided to cast preference votes (Wauters 2024). However, the impact of preference votes is only marginally disturbing the order of the list in practice. Only about 10 to 15% of seats are won by candidates who have jumped over a candidate placed higher on the list. The limited impact is due to the low DM in most districts, and consequently the low number of candidates elected per list. In most instances, only one to three seats are won per list. The transfer of list votes is strong enough to protect the election of the first candidates on the list. It is only in the largest districts, like in the electoral district of Antwerp (see table 2), that some parties have more candidates elected, making it more frequent to have candidates elected outside the rank ordering of the list. For example, in 2024, the two largest lists in the electoral district of Antwerp, the Flemish nationalists Nieuw-Vlaamse Alliantie (N-VA) and the radical right party Vlaams Belang, had each one candidate elected not respecting the rank ordering of the list (respectively out of eight and five candidates elected in the district).

This system of semi-open lists is also in place for European, federal, regional and provincial elections, and for local elections in Brussels. For municipal and provincial elections, the transfer of list votes to candidates has been abolished in Wallonia and Flanders. Lists are therefore fully open.

The main consequence of the semi-open list system is the personalization of politicians' behaviors. In order to be elected (or re-elected), politicians must convince voters to vote for their party, but also for them rather than for other candidates from the same party lists. Like theorized by Carey and Shugart (1995), more open list systems foster politicians' incentives to cultivate their personal reputation, especially when there are more candidates elected from the same list. In the case of Belgium, it was, for example, demonstrated that candidates were

running more personalised electoral campaigns when running on lists that elected more candidates (De Winter and Baudewyns 2015). Another consequence of ballot structure is that it modifies the structure of intraparty competition. The more open the list system, the more intraparty competition between candidates within a list. By contrast, in less open list systems, one candidate tends to attract most votes and to dominate list competition (see Dodeigne and Pilet 2021).

1.4. Compulsory voting

A last core characteristic of the Belgian electoral system is that voting is compulsory. This rule was adopted in 1893 when male universal suffrage was introduced. More precisely, showing up at the polling station is mandatory. Each eligible voter receives a voting card at home, stressing that voting is mandatory. On election day, voters must present themselves at their designated polling station and receive a ballot paper. Voters are free to decide whether they cast a valid, a blank, or a spoiled ballot[2]. Voters who do not show up at the polling station (or vote by proxy) are exposed to the possibility of being sanctioned. The Electoral Law stipulates that voters can pay a fine ranging between 40€ and 80€. If they do not vote several times, they can be sanctioned more severely (up to 200€ fine, and potential deprivation of the right to vote). However, over the last two decades, sanctioning non-voters is not a priority for Belgian courts and tribunals, and no one has been fined (De Waele et al. 2011).

The uniqueness of Belgium as one of the few European countries where CV is still in place (Birch 2016) has led to significant research on its impact, especially for voters. In particular, studies have shown that the obligation to vote was especially effective in boosting turnout

[2] In municipalities where voting is made on a computer (see below), it is not possible to cast a spoiled ballot. Voters have, however, the option to select a "blank ballot".

among voters with fewer educational and economic resources, and among those who feel more distant and distrustful about politics (Dassonneville et al. 2023). However, it has also been showed that voters who vote because it is mandatory tend to cast a vote for a party that is less congruent with their own policy preferences, blurring the signal sent by voters about their priorities for the next legislature (Selb & Lachat 2009).

2. Recent changes in the Belgian electoral system

The electoral system has not always been as it stands in 2024. Several aspects of the electoral law have been modified since the first elections after the Belgian independence in 1830. Reforms have been especially frequent since the 1990s. In this second section, we will discuss the main changes of the Belgian electoral systems: (1) the extension of the right to vote to new groups of citizens, (2) the gradual shift towards more open lists, (3) the recent end of CV for local elections in Flanders, and (4) the introduction of rules guaranteeing a fair representation of women on list of candidates.

2.1. The ever-growing expansion of the right to vote

After men (1919) and women (1948) won the right to vote, two further extensions of the vote franchise took place in Belgium. First, following the 1992 Maastricht Treaty, the European Union required each Member State to grant European citizens the right to vote at the local level. This European obligation opened the debate on extending the vote franchise for local elections to non-Belgian nationals from EU countries but also to nationals of non-EU countries. But parties were highly divided on the issue, leading to slow progress. The Court of Justice of the European Union called Belgium to order in 1998, forcing a compromise. First, European

citizens were granted the right to vote at municipal level in 1999. They were followed by non-European citizens in 2004. In addition, conditions to register as a voter were stricter for non-EU citizens. They have to prove that they have been legally resident in Belgium for five years. They have to sign a declaration of honour to respect the Constitution, the laws of the Belgian people and the European Convention on Human Rights.

This ambitious reform led to a lot of political debates, including in the media. It is therefore surprising to observe how little attention (including among academics) is paid today to the electoral participation on non-Belgians for local elections. It also appears that rather few non-nationals are registered to vote for local elections (Teney & Jacobs 2007, Seidle 2015). For the most recent local elections of 14 October 2024, 16.2% (-1.3 % points compared to 2018) of European citizens and 11.9% (-3.3% points) of non-European citizens registered to vote (Biard et al. 2024).

Nationality is not the only obstacle crossed by the right to vote. The second is the age of majority. In 1981, the age of voting was lowered from 21 to 18. In 2024, again driven by the European Union, Belgium has lowered the right to vote at the 16 for the European Parliament elections. On 9 June 2024, 244,957 voters aged between 16 and 18 were called to the polls[3].

2.2. The growing weight of preference votes

[3] This number is obtained by subtracting the number of voters or the national election (8 114 951) from the number of voters or the European Parliament elections (8 359 908) – IBZ-SPF Intérieur, *Statistiques officielles*, 22 avril 2024.

In the first section, we have explained that Belgian elections are organised with a system of semi-open lists. We also explained that, for local elections in Wallonia and Flanders, lists are fully open and only preference votes determine which candidates are elected.

The gradual increase of the weight of preference votes has been one of the most important evolutions of the Belgian electoral system since the early 2000s. The first reform occurred in 1995 when Belgium shifted from single to multiple preference voting, allowing each voter to cast preference for as many candidates as there are seats to be filled in the district. Then, from 2000 onwards, the legislator gradually decreased the amount of list votes to be transferred to candidates ranked higher on the electoral list, automatically increasing the importance of preference votes. In 2000, for all elections at all levels, the federal Parliament passed a law dividing, for each list, the total number of list votes that could be transferred to candidates. In 2001, a constitutional reform transferred to regional parliaments the authority over the electoral system for local elections. Before the 2006 local elections, the Flemish parliament reduced, for each list, the amount of list votes to be transferred to one third of all list votes cast. In 2017, just before the local elections of 2018, the Walloon regional parliament abolished all devolution of list votes. The Flemish parliament followed for the local elections of 2024.

This increase in the weight of preference votes has not been without consequences for the fate of candidates within lists. Before the reform of 2000 (dividing by two list votes to be transferred to candidates placed higher on the list), only a small minority of candidates were elected without following the rank ordering of the list. Between 1945 and 1991, only 23 of the 3,382 members of the Chamber of Representatives broke the list order set by parties (Dewachter, 2003). After the reform of 2000, the number of members elected jumping over candidates ranked higher on the list immediately grew. In the first election after the reform, in 2003, already 18 members of

the Chamber of Representatives and 7 members of the Senate – accounting for 13.2% of all elected members of federal parliament – were elected jumping over a candidate placed higher on the list.

This evolution can also be connected to a general trend towards the personalization of politics (Karvonen 2010) that has translated into a gradual personalization of electoral systems across Europe (Renwick and Pilet 2016). Across Europe, and since the early 2000s, several countries using LPR have modified their electoral laws to increase voters' capacity to determine which candidates are elected within lists. Such changes have especially been apparent in countries using semi-open lists, making them gradually more open.

2.3. The beginning of the end for compulsory voting?

Paradoxically, the reforms that have extended voting rights (see section 2.1) have been accompanied by a reduction in CV. Indeed, non-Belgian citizens have been given the right but voting is not mandatory for them. First, if they wish to vote, they must register at the municipality. And it is only once they are are registered that they voting becomes compulsory for them. Interestingly, when voting right for European elections was lower to 16 years old in, the same model was considered. However, in judgment n° 116/2023 dated of 20 July 2023, the Constitutional Court sanctions this hybrid mandatory voting regime. Eventually, 16 and 17-year-old voters were also obliged to vote in the same way as their elders.

It is too early to say whether this debate announces the end of CV in Belgium. However, CV has been abolished in Flanders for the 2024 municipal and provincial elections. It would be the first time since 1893 that elections are held in (part of) Belgium without CV.

2.4. Parity laws and the presence of women on electoral lists

The last significant development in Belgian electoral law concerns the representation of women in assemblies. After half a century, it is becoming clear that feminizing the right to vote would not be enough to feminise parliamentary assemblies. At the end of the twentieth century, only one quarter of parliamentary seats were occupied by women (Marques-Pereira and Gigante 2001). The legislator decided gradually to promote the election of women in parliaments by adopting laws setting quotas for male and female candidates on electoral lists. In 1994, a first law was passed requiring that one-third of places on electoral lists to be reserved for women. In practice, women were relegated to ineligible positions in most parties. Women's representation reached only a quarter of parliamentary seats (*ibid.*).

In 2002, the principle of equality between men and women was introduced into the Belgian Constitution. A new step was then taken for the fair representation of women on list of candidates with two new measures. First, gender parity on electoral lists became mandatory, meaning that all lists should have an equal number of male and female candidates in total, with a deviation of one unit allowed for lists with an odd number of candidates. Second, it was imposed that there should be an alternation between a man and a woman on the first two positions of the list (introducing the 'zipper principle') (Meier 2012). Yet, it quickly appeared that most parties implemented the new rules in a minimalistic way. They had an equal number of men and women on their lists of candidates, but men were still occupying to highest positions on the lists. And as for the top two positions, it was most of the time starting with a male candidate and then a female candidate (Bourgaux 2020). As a consequence, the share of female

members of parliament did not increase very much, hovering between 30% and 40% of members of parliaments (van der Dussen, 2013). And some of this increase has been shown to be more related to other changes in the electoral system (especially the shift to provincial electoral districts which increased the average number of candidates elected per lists) than the new parity laws (Meier 2008).

However, some parties, and especially green parties, were more ambitious in the implementation of parity rules (Vandeleene 2014). They set an example, which then pressured the other parties to be more women-friendly too (Meier 2004). And it eventually led to the adoption of stricter gender parity laws for local elections. Making use of their constitutional autonomy, two regions – Brussels and Wallonia – gradually imposed the zipper principle for electoral lists, first for local elections (2012, 2013), and then for regional elections (2020, 2018). This rule imposes a strict alternation of male and female candidates across the entire list of candidates. However, figures from recent elections show that these new parity rules have not led, in practice, to full parity in the composition of regional assemblies. After the 2019 elections, women's representation in the Walloon Regional Parliament did not increase much (41.3%). The same holds for the Brussels Regional Parliament (43.3%) and the Flemish Parliament (46.8% - Institut pour l'égalité des hommes et des femmes, 2020).

The main explanations are to be found in the behaviours of both parties and candidates. First, parties still tend to slightly favour male candidates. They most often are given the first position on the list, which remains crucial in the smaller electoral districts where most parties only gain one seat. Moreover, being the candidate occupying the top of the list positions leads to greater media attention (van Erkel et al. 2020, D'Heer et al. 2022), and also to being allowed to spend more money in the campaign (Smulders et al. 2019). Second, voters also tend to give more

support for male candidates who keep receiving a greater number of preference votes – even if it seems to be more the consequence of side advantages of male candidates like incumbency, media visibility or occupying a higher position on the list than to gender-biased attitudes (Wauters et al. 2010, Marien et al. 2017). This shows that legal rules alone will not bring about change.

The evolution of gender representation in Belgium, like in many other democracies (Krook 2010), has led to a growing body of research on the consequences of the increased presence of women in parliaments. Most of this research has been showing that it had a significant impact for the representation of the substantive interests of women in the debates held in parliament as in the policies adopted (Celis 2007, Wängnerud 2009). Those findings confirm that gender parity is not a technical detail of the electoral system but is a crucial dimension for the good functioning of democracy.

3. Ongoing debates to change the Belgian electoral system

In this third and last section of our chapter, we will discuss a few contemporary debates to reform further the Belgian electoral system. Such debates have been around for several years, but they appear to have reached a dead-end. We will present them and discuss why they have failed so far to understand better what appear to be the main elements of stability in the founding principles of the Belgian electoral system.

3.1. Towards a formal recognition of abstention and blank votes?

An ongoing debate in Belgium over the last decades is what to do with blank votes and spoiled ballots. Under CV, a vast majority of voters do show up at the polling station on election day, much more than in countries with no CV. At the federal elections of 2010, 2014 and 2019, the share of eligible voters not showing up at the polling station ranged around 10%, growing steadily since the 1970s when it ranged around 5% (Pilet et al. 2021).

One consequence of this system is that voters who want to protest and who dislike all parties on offer cannot easily abstain. Some of them are therefore opting for casting a blank vote or a spoiled ballot. They account for about 5% of all eligible voters in the 2024 federal elections and can represent up to more than 8% of all voters in some more urban and less affluent electoral districts.

It is however complicated to interpret the real meaning of those blank and nil votes. Often, they are considered to be a type of protest vote. Yet, as demonstrated by Pilet and colleagues (2019), a significant share of spoiled ballots are apparently invalidated because of errors made by voters in casting their vote (like voting for two candidates on different lists or circling the name of a candidate rather than ticking the box next to the name).

For making more explicitly the meaning of blank and nil votes, several adjustments of the electoral system have been discussed in Belgium. First, proponents of electronic voting have argued that abandoning ballot papers for voting on a computer screen would make it impossible to spoil a ballot by mistake, while an explicit option was provided for voters who want to cast a blank vote. Second, the Walloon region decided that, since the local elections of 2024, blank and nil votes will be counted separately while before – and still for all other elections – the two types of votes are merged into a single category in the official electoral results. Finally, some

political movements have been set up over the last years to give a political weight to blank votes. For instance, the party “Blanco” runs lists for elections (the last time for the 2024 European, federal and regional elections) calling voters “who are unhappy with all parties” to give them their vote. And would Blanco win some seats, the elected candidates will sit in parliament and abstain on all parliamentary votes. Structurally, Blanco proposes to reform the electoral system so that a share of seats in parliament corresponding to the share of non-voters, blank votes and nil votes would be left unoccupied to visualise the share of voters not expressing a choice for any party. Some of those movements have also called for filling those seats with citizens selected via sortition. For instance, the French-speaking Green Party, Ecolo, is proposing this model for local elections in Wallonia.

3.2. Electronic voting. A tale of two stories?

Belgium could be called the Far West of electronic voting. Since 1991, Belgium has experimented with four electronic voting systems. In 2014, Belgium experienced an unprecedented electoral bug (Bourgaux, 2015). This bug re-opened debates across Belgium regarding the use of electronic voting. Firstly, Wallonia decided to revert to paper ballots. The three other sub-national entities (Flemish Region, Brussels Region and German-speaking Community) kept electronic voting but added a system of a printed paper proof of the vote to be kept in case a re-count of the votes would be required.

Debates remain open on the issue. On the one hand, some parties are pushing for moving further into the digitalization of voting in Belgium. In 2020, the Minister of Home Affairs asked a group of experts to deliver a report on the possibility to shift to internet voting, but the

conclusions were negative and not recommending implementing such a change, except for Belgians living abroad (who use postal voting today). At the same time, some actors argue that the advantages of electronic voting (speed, systematisation, solution to the difficulty of finding assessors, accessibility for some electors) do not overweight its disadvantages (cost, risk of bugs, privatisation of the election, impossibility of popular control, inaccessibility for other electors). For the federal, regional and European elections of 13 June 2024, 187 Belgian municipalities out of 581 used electronic voting. The College of 22 experts that monitored electronic voting for these elections identified several technical incidents. The main problem was that voters did not receive the electronic voting cards that corresponded to their voting rights. Especially, some voters aged between 16 and 18, only allowed to vote for the European Parliament, received a voting card allowing them to also cast a vote for federal and regional elections. The College of experts demonstrated that this irregularity may have affected the distribution of seats between the electoral lists for several elections (College of Experts, 2024). Technically, this was not a bug like in 2014. But it illustrated the technical difficulties that may be associated with electronic voting within a complex electoral system.

3.3. A country-wide electoral constituency?

One of the main peculiarities of the Belgian party system is that it is almost completely split between a French-speaking party system and a Dutch-speaking one. All parties, except the radical left party, Parti du Travail de Belgique- Partij van de Arbeid (PTB-PVDA), are active in only one language community. And they compete for elections either only in Flemish electoral districts or in French-speaking ones. The only territory where both Dutch- and French-speaking parties compete for votes is the electoral district of Brussels. And even there, the competition is direct between parties of the two language groups only for the election of the Chamber of Representatives. For European elections as well as for the Brussels regional

elections, parties run in the French- or Dutch-speaking colleges. Each college has a predefined number of seats to allocate (8 and 13 for the European elections, 72 and 17 for Brussels regional elections). And, when they cast their vote, voters are first asked on the computer screen to declare whether they want to vote for a list of the French- or of the Dutch-speaking college[4].

Two almost perfectly separated linguistic electoral arenas have been gradually created within the Belgian electoral system (Pilet 2005). A negative consequence of this model is that parties in federal government and parliament are not directly accountable to voters across the entire country. Dutch-speaking parties are only electorally accountable to voters in Flanders and Brussels. French-speaking parties are only subject of electoral sanction by voters in Wallonia and Brussels. According to some authors, a negative consequence of such a system is that it creates few incentives for parties to pay attention to demands from voters of the other linguistic community. And it might incentive parties to adopt strong centrifugal rhetoric towards the other language groups as they cannot be directly sanctioned by those voters.

As a solution for this problem, a group of academics – called the Pavia Group – developed a proposal to create a new Belgium-wide electoral district for the election of the Chamber of Representatives (Deschouwer and Van Parys 2013). Parties would then be incentivised to attract voters from both language groups, which should create centripetal incentives and moderate parties' attitudes and behaviors towards the other language community (see Reilly 2001). And it would allow voters to directly keep parties from both language group accountable. The proposal gained quite some media and political attention during the long process to form a new federal government in 2010-11. It was even included in the party manifesto of a few parties,

[4] Interestingly, for European elections, there is even a separate German-speaking college electing a single-member of the European Parliament. And German-speaking parties run independently in this college (as well as for the direct election of the Parliament of the German-speaking Community) even if most of the German-speaking parties are affiliated to larger French-speaking party.

especially on the French-speaking side. Yet, the proposal was never approved by a majority in parliament as of now.

3.4. Who controls and validates elections in Belgium?

Since 1831, the Belgian Constitution has entrusted parliamentarians with the control of their own election. Historically, this monopoly is explained by parliamentary independence and the separation of powers. But today, this model for controlling elections has become difficult to reconcile with democratic election standards. As we have seen, on two occasions with problems with electoral voting, experts found that irregularities had affected the ballot and that these irregularities could have influenced the election results. Twice, the new parliamentarians validated their powers as if nothing had happened.

However, since 2020, Belgium has been obliged to put an end to the self-validation system. In its arrest *Mugemangango c. Belgium* of 10 January 2020, the European Court of Human Rights found Belgium in breach of its international obligations to ensure impartial and effective control of the electoral process, with clear and precise rules and a fair and objective procedure. At the beginning of July 2024, the Belgian press reported a broad political consensus within the new Belgian Parliament in favour of reforming the control of parliamentary elections. Within the scientific community, there is a wide consensus in favour of entrusting the control of the elections to a court of law (Gaudin et al. 2020). During the 2024-2029 legislature, the Constitution may be revised to provide for election monitoring that meets the democratic requirements of the 21st century. But as this chapter has shown, electoral reform in Belgium is slow. Future will tell whether a new system for controlling and validating elections is established.

Conclusion

This chapter has described the main components of the Belgian electoral system and discussed how they affect the dynamics of the political system during and between elections. From this review, it appears that there are several reasons why political scientists may consider the Belgian electoral system has a highly relevant topic for research.

First, the Belgian electoral system presents some unique characteristics. It is especially the case with CV being still in place and about 90% of eligible voters go to the polling stations on election day. Since Belgium remains one of the few European countries to still make voting mandatory, it is definitely worth studying it in times of constantly eroding electoral participation in most democracies (Lijphart 1997, see also Carreras 2016).

Second, the Belgian electoral system represents an ideal-typical case for several dimensions of electoral systems. It is a typical case of LPR with multimember districts of different magnitudes and semi-open lists. Studying the effect of these rules for Belgian candidates, political parties and voters may inform greatly for the many democracies across the globe that use a similar electoral system. Belgium could directly connect to some of the recent debates in political science about the best electoral system (Bowler et al. 2005). Belgium is, for instance, a good example of Carey and Hix's (2011) proposal for low DM proportional representation to be the 'sweet spot' in finding the balance between inclusiveness of parliament and stability of government. In the same vein, the many reforms towards more open lists can be directly connected to broader debates on the personalization of electoral systems (Renwick and Pilet 2016).

Belgium's electoral system is an interesting laboratory to observe for a third reason. In this complex multi-level state, the federal state faces difficulties in carrying out electoral reforms because of the difficulty of finding a consensus among all parties from both Dutch- and French-speaking Belgium. By contrast, regional authorities have been very active since the early 2000s in reforming electoral rules for local and regional elections. In some cases, this dynamism pushed federal authorities to break up with the status quo. Regional authorities therefore played a driving role in shaping the organization of elections. Like with democratic innovations, Belgian federalism illustrates that the centrifugal forces running through a model can lead to a centripetal movement (Xhardez et al. 2020).

Researchers may also be inspired by the Belgian case to renew some research agendas that have been significantly explored about 15 to 20 years ago but that have been left aside since then, though they remain highly relevant. It is the case, for example, for the effect of rules allowing non-nationals to vote for loca elections. The topic has been widely discussed when the new rules were adopted in the early 2000s (Teney & Jacobs 2007) but since then how such voters take part in elections and what their voting behaviours are have not been examined comprehensively.

Finally, there are a series of elements that also a few relevant aspects of the Belgian electoral systems and its evolutions that remain almost completely unexplored but that would constitute promising avenues for future research. First, as we have seen, recent changes to the electoral system like the extension of the vote franchise to non-nationals or compulsory voting for voters between 16 and 18 years older have been greatly influenced by rulings from courts and tribunals. The growing judicialization of electoral reforms in democracies has already been stressed by some authors a few years ago (Renwick 2010, Flynn and Kuzman 2013). Yet, the

topic has not been addressed at all in the case of Belgium. Decisions on electoral laws are still perceived as fully controlled by political parties though judicial decisions on the issue have been recurrent. Second, a core characteristic of the Belgian electoral system is the complexity of its rules, with many parties, varying district magnitudes across electoral districts, a complicated semi-open lists system. How voters deal with complex electoral rules has already been discussed (Cunow et al. 2021, Diaz 2024), but with less complicated electoral laws than in Belgium. The country would therefore be a great case to explore within this perspective.

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