The unfinished story of the electoral reforms in Italy: the difficult attempt to build a majoritarian-style of government

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During the past twenty years of Italy's Second Republic three electoral reforms for the national Parliament have taken place and a fourth one is underway. The first reform occurred in 1993, providing for the abandonment of the First Republic's long established proportional representation (PR) system and the introduction of a mixed electoral system, with 75% of the seats allocated in single-member districts under the plurality rule and 25% of the seats still allocated by PR. The second one was approved in 2005 and replaced the previous mixed electoral system with a new, different mixed electoral system, consisting of a PR formula plus a majority prize. The third electoral reform was made at the beginning of 2014 by the Constitutional Court, which ruled out the constitutionality of a number of provisions of the 2005 electoral system, and – leaving intact the others – introduced de facto a PR system. A fourth electoral reform is now making its way in Parliament and, if approved, will reinstall a mixed electoral system similar to the one of 2005, but (hopefully) in a constitutionally compatible version.

I will analyze the reasons explaining why and under what circumstances these electoral reforms have taken place, and above all account for their relevant features and effects, taking also into consideration the differences between the electoral systems for the election of the Chamber of deputies and of the Senate, as they have proved to be very relevant in a parliamentary setting characterized by symmetrical bicameralism. The main goal is to assess to what extent each of them has contributed or has the potential to contribute to the building of a majoritarian-style democracy. This perspective is assumed because the first electoral reform of 1993 was meant exactly to reshape the overall institutional architecture of Italy and to lead toward a more competitive
political system and after twenty years this is still the main goal of most political actors.

The electoral reform of 1993 and the promise of a majoritarian democracy

Between 1992 and 1994 the political order of the (First) Italian Republic collapsed and paved the way to a new political order, the Second Republic. The transition was characterized by the emergence of a new party landscape and political class, but not by major constitutional or institutional changes, except for the electoral reform. However, the electoral reform was not the product of a rational process of institutional engineering by the dominant party elites (Donovan 1995). On the contrary, it was imposed by means of a referendum, instigated from outside and against the will of most of the political class, that took place on April 18, 1993. Given the fact that Italian referendums can only abrogate existing laws but cannot introduce new ones, the changes were made by repealing existing norms of the Senate electoral law. The success of the referendum, driven by voters’ dissatisfaction with the old political system and by their desire for change, became a political constraint for the political elites who could reassert control only over the details of the new electoral systems when they passed in August 1993 a comprehensive electoral reform (therefore including the revision of the Chamber of deputies electoral law) (Katz 1996; 2001; Pappalardo 1995). In other words, the 1993 electoral reform was based on a mass-elite interaction (Renwick).

The new electoral systems combined the plurality rule in single-member districts for the assignment to the winning candidates of 75% of the total seats and the PR formula for the compensating allocation among party lists of the remaining 25% of seats. So, they were mixed, but with a prevailing majoritarian component. [more detailed description of the electoral systems here]

There was a general consensus on the objectives of the reform. The new electoral rules should create the political conditions for a more competitive party system and
allow voters to choose among different alternatives of government. In turn, this should make it possible the alternation in office between them, something which the blocked political system of the First Republic had never seen. The number of relevant parties was expected to decrease, even down to only two, and the ideological distance between them to diminish. In short, many considered the (quasi-)majoritarian electoral reform of 1993 as the first step towards the building of a (quasi-)majoritarian or Westminster-style democracy for Italy.

Things went only partially in the expected direction. On the one hand, the 1993 electoral systems were certainly responsible for the emergence and consolidation of a bipolar pattern of electoral competition based on two dominant, clearly identifiable, coalitions. Voters were much more decisive than in the past in (s)electing the government and the alternation in office became finally true. One the other hand, the bipolar pattern coexisted with a high level of party fragmentation. Actually, the number of relevant parties increased compared to that of the First Republic and became a very influential factor on the working of the new political system.

As a result of the electoral reform of 1993, the Italian party system transformed itself into what has been called a fragmented bipolarism. Let’s see more in details how it could happen.

The introduction of the plurality rule operating in single-member districts occurred at a time when the Italian party system had been going through a destructuring phase. Almost all the parties of the First Republic had already collapsed or were about to collapse. Some of them split into various groupings or even disappeared. Many new parties were formed and tried to gain visibility and support. In any case none of the then existing parties, either old or new, was strong enough to have a chance to win the elections under the new electoral rules by running alone with its own candidates in the single-member districts. It was immediately clear to most parties that their only way to be competitive for victory was to join forces, i.e. to form coalitions in support of common candidates in the single-member districts, otherwise they would have been certainly defeated.
Coalitions became a key player in the new party system and since the first election in 1994 their composition, size and performance have been the most relevant variables for predicting electoral outcomes. They did not replace parties but were more important than parties for winning seats and executive power. They had two major systemic consequences.

First, coalitions were built prior to the election, were based on a political agreement among the party members – as witnessed by the presentation a common symbol and platform – and were large enough to represent a potential alternative for government. Thus, leaving aside the founding election of 1994, voters could clearly identify the coalitions with a real chance to win and the individual parties without. In other words, they had the opportunity to vote for the coalition they wanted to see in office, and, thanks to an electoral system which had the potential to transform a plurality of votes into a majority of seats, that could become true. In this case, the government formed after the election was directly linked to the voters’ choice and enjoyed a sort of popular legitimation which would make it more stable than in the past.

Second, coalitions took the form of stand-down agreements. The selection of common candidates to be filed in the single-member districts under the coalition’s symbol was a very tiring and complicated process, having to take into account the weight of each coalition partner and the ‘quality’ (whether safe, marginal or lost) of each district. In the end, however, small parties survived and even proliferated, in spite of electoral rules that apparently were hostile to them. They exploited the unwillingness of the large parties to run alone and the perspective potential contribution to the coalition victory of the votes they controlled, even if few. In doing so, they were successful in bargaining a share of safe district seats. The outcome of the process was a sort of ‘proportionalization’ of the plurality component of the new electoral systems (D’Alimonte 2001). This is why the level of fragmentation of the party system remained high or even increased.

All in all, the consolidation of the fragmented bipolar setting was accompanied by the emergence of a paradox. As it became clear soon, only the building of a large coalition,
with the inclusion of many small parties even with quite different political views, could lead to the electoral victory. The size of coalition mattered. Once gained the majority of seats in parliament and formed a cabinet, however, the winning coalition had an hard time in the governing action exactly because of the large number of parties and their ideological distance. Once again the size of the coalition mattered, but with opposite effects.

The electoral reform of 2005: introducing the majority premium

In December 2005, few months before the end of the legislative term, a parliamentary majority consisting only of the parties of the center-right coalition then in office approved a new electoral law for the Chamber of deputies and the Senate. It is a matter of fact that the center-right decided to change the rules to its own advantage in order to prevent or minimise an expected defeat in the incoming general election (Baldini 2011; Pasquino 2007; Chiaramonte e Di Virgilio 2006). Unlike in 1993, the one of 2005 was therefore a majority elite imposed electoral reform (Renwick).

More specifically, the aim of this reform was to eliminate the single-member districts that in the two general elections of 1996 and 2001 had heavily penalised the centre-right – whose common candidates had obtained far fewer votes than those obtained, separately, by its lists in the proportional arena – and favoured the centre left – which instead obtained more votes here than in the proportional arena. In these elections the center-right electorate had proved to be less willing to cohesively support its own common candidates running in the single-member districts than to vote for either of the coalition’s party lists in the proportional arena. It is no surprise therefore that the fundamental element of the new electoral reform was the abolition of the vote for individual candidates (the ‘coalition vote’), replaced with a vote given solely to a party list (which then automatically goes also to the coalition of which the chosen list forms part). A straightforward PR electoral system, however, would not have been acceptable to all the members of the center-right coalition. The compromise reached
was to superimpose to the allocation by PR of all the seats a majority premium that
would represent a powerful incentive to the formation of pre-electoral coalitions like
in the old system. Let’s now analyse more in detail how the new electoral rules work.

The electoral system for the Chamber of Deputies is a proportional system with a
majority premium\(^1\). In the first instance, seats are distributed proportionally, at
national level. To that end the total number of votes obtained by the coalitions and
independent lists that have succeeded in surmounting the thresholds are considered.
Coalitions are formed by party lists which, though fielded independently of each other,
have declared in advance a mutual association, identified a coalition leader and
registered a common election platform. For coalitions, the threshold is set at 10 per
cent of the votes provided that at least one of their constituent lists has obtained at
least 2 per cent; for independent lists, on the other hand, the threshold is 4 per cent.
Once the seats have been proportionally assigned, it is established whether the
coalition or independent list with the largest number of votes nationally has obtained
at least 340 seats. If this is not the case, then the purely proportional distribution of
seats is annulled and 340 seats are attributed to the winning coalition or list, while the
remaining seats are distributed proportionally between the other coalitions and lists.
After the number of seats due to each of the coalitions and independent lists has been
established, seats are then distributed, again proportionally, for each coalition, among
the various lists of which it is composed, provided that have obtained at least 2 per
cent of the vote (for each coalition, the list with the largest number of votes below the
2 per cent threshold is also entitled to receive seats). Finally, the seats allocated at the
national level are transferred to each of the 26 constituencies, where candidates are
elected according to the order in which they appear on their list.

As one can see, the majority premium is the most relevant element of the electoral
system for the Chamber of deputies. It has three distinctive characteristics: 1) its
attrIBUTion is something that is possible, in the sense that this does not happen always,

\(^1\) To be precise, 617 out of the 630 total seats are allocated by the PR plus majority premium formula. As
for the remaining 13 seats, one is assigned in the single-member district of Valle d’Aosta under the
plurality rule and 12 allocated by PR in a ‘foreign’ constituency reserved for Italians resident abroad.
but only when the coalition or list with the plurality of votes has not obtained at least 340 seats; 2) its size is *not predetermined*, since it consists of the number of seats that is sufficient to allow the winning coalition or list to reach the figure of 340; 3) it is ‘majority-assuring’, insofar as the winning coalition or list obtains in any case – and therefore independently of the proportion of votes it has obtained – at least 340 seats, a number equivalent to about 54 per cent of the total of Chamber of Deputies seats and thus more than the absolute majority of its members.

Even though apparently inspired at the same principles, the electoral system for the Senate differs significantly from that for the Chamber. Here, the distribution of seats, including the possible attribution of the majority premium and the application of the vote thresholds, takes place separately and independently in each region and not at the national level like in the Chamber. In most regions – that is, in all of twenty except Molise, Valle d’Aosta and Trentino-Alto Adige² – the system is the same and looks like the one of the Chamber. Seats are in the first place distributed proportionally among the coalitions and/or independent lists that have surmounted the relevant vote thresholds – respectively, 20 per cent (provided that the coalition in question includes at least one list with at least 3 per cent) and 8 per cent of the votes. It is then established whether the coalition or independent list with the largest number of votes in the region has obtained at least 55 per cent of the seats due to the region itself. If this is not the case, then the purely proportional distribution of seats is annulled and a share of the regional seats equivalent to 55% is attributed to the winning coalition or list, while the remaining seats are distributed proportionally between the other coalitions and lists. After the number of seats due to each of the coalitions and independent lists has been established, seats are then distributed, again

² As far as the other three regions and the ‘foreign’ constituency are concerned, the electoral systems are different. In Molise, the two seats are distributed by PR, without majority premium. The Valle d’Aosta seat is assigned by plurality. Trentino-Alto Adige consists of six, single-member districts, where the plurality formula is applied, while the remaining seats due to the region (currently one) are distributed using the method of proportional recoupment, that is, they are distributed among those candidates who have not already been elected in one or the other of the single-member districts. Finally, in the ‘foreign’ constituency a list system of proportional representation is used and the six senators are elected by means of preference voting.
proportionally, for each coalition, among the various lists of which it is composed, provided that have obtained at least 3 per cent of the vote. Finally, for each list, candidates are elected according to the order in which they appear on the same list.

In contrast to what happens in the case of the Chamber, the region-by-region majority premiums (plural) of the Senate don’t guarantee that the coalition or independent list with the largest number of votes nationally will obtain an absolute majority of the seats. Thus, the Senate electoral system, unlike the one of the Chamber, is not ‘majority assuring’. To be true, in the case of the Senate electoral law we should not even speak of a majority premium (singular) at all, but only of seat bonuses at stake in the various regions which can be (and indeed are) won by different coalitions or lists.

The new electoral systems introduced in 2005 didn’t change the trend toward a fragmented bipolar party system that had been started and consolidated by the previous electoral systems. Actually, at the beginning the process appeared to have been even reinforced. The outcome of the 2006 election showed a level of bipolarism (the concentration of votes and seats on the top two line-ups) as high as never before and close to its theoretical maximum, together with a very high level of party fragmentation (coalitions were more inclusive than ever). If the 2006 election was the peak of fragmented bipolarism, the pattern of competition started to change, even if only slightly, in the 2008 election. The main parties of the center-right and of the center-left – PDL and PD respectively – decided to abandon the strategy of putting together large ‘catch-all’ coalitions and opted instead for a strategy based on ‘small-size’ coalitions, by allying themselves only with very few minor parties. The new strategy led to a lower level of bipolarism, but above all to a significantly lower level of fragmentation. For a short while it appeared as if the perverse relationship between a high level of bipolarism and a high level of fragmentation (Chiaramonte 2010) had been broken, but when the Pdl and other parties split fragmentation was back. The party system changed much more radically in the 2013 election, when bipolarism faded away and was replaced by a ‘three and a half poles’ setting. The emergence new relevant political actors such as the Five Stars Movement of Beppe Grillo and the centrist
coalition led by the former Prime minister Mario Monti led to a basically proportional outcome in the Senate. Here no one got an absolute majority of the seats. For the first time since 1994, the election turned out to be not decisive: there was no real winner coming out from it and therefore with a surplus of legitimation to form the government given by the popular vote. The combination of a bizarre and chaotic electoral system (the one of the Senate) and of a destructuring party system produced such a result, which was anything but the one typical of a ‘majoritarian’ democracy.

Mixed electoral systems and mixed results

Each of the electoral systems resulting from the electoral reforms of 1993 and 2005 was used in three general elections (1994, 1996, 2001, and 2006, 2008, 2013 respectively). We can now more rigorously compare them and their relative performance with that of the PR system in place during the First Republic (in the elections between 1948 and 1992). For this purpose, the individual and average values of a number of indexes for the period of application of each electoral system have been calculated (see Table 1 and Table 2).

Data showed in Table 1 refer to the Chamber of deputies only, but they are very similar to those of the Senate and this is why the latter are not shown here.

Let’s start to analyze the level of disproportionality measured through the Gallagher index. As it can be seen, disproportionality has significantly increased from the First to the Second Republic, shifting from an average of 2.9 under the old almost pure PR system to an average of 8.3 in the 1994-2001 period of application of the mixed SMD+PR system, and to 8.9 in the 2006-2013 period of application of the mixed
PR+majority premium. The quite high values of disproportionality registered in the elections held during the Second Republic show that, from a comparative perspective, the mixed nature of the electoral systems applied tends to approximate the majoritarian electoral systems rather than the proportional electoral systems. This is true also for the PR+majority premium system introduced in 2005, under whose application the highest value of the Gallagher index for the entire period of the Second Republic is observed (in 2013 G=17.3), confirming the strong ‘majoritarian’ or ‘disproportional’ potential of the majority premium when the plurality party or coalition receives much less than 50% of the votes (actually, in 2013 it received only 29.6%).

A second set of data in Table 1 refers to the party system format, both at the electoral (ENEP) and the parliamentary level (ENPP) using the Laakso-Tagepeera index. Here the comparison between the three electoral systems provides a picture opposite to expectations. After the change from the pure PR to the mixed but predominantly majoritarian electoral system in 1993 the effective number of parties was expected to decrease but it didn’t; on the contrary, it increased significantly at the electoral level and even doubled at the parliamentary level. It started to move down in 2001, but with the 2005 electoral reform it shot up again due to the formation of two large ‘catch-all’ coalitions in the 2006 election. Only in 2008 it declined drastically, for the first time going below the average value of the 1948-1992 period, but it rose again with the last 2013 election even though without reaching previous levels.

As we have seen, party fragmentation has remained high for the entire Second Republic, higher than in the First Republic under the PR system except for the 2008 and 2013 elections (at the parliamentary level). Under the mixed electoral systems in place during the Second Republic, small parties have managed to adapt strategically to the new rules, taking advantage of their potential decisive contribution to the victory of the coalition and therefore getting to be paid off either with safe district seats (in the mixed SMD+PR system) or with the lowering of the threshold of representation (in the mixed PR+majority premium system). Given the presence of many small parties,
large parties have not emerged, the only exception being the 2008 general election. This is confirmed by looking at the two-party index, i.e. the joint percentage of votes and seats of the top to parties. In the periods of application of the two mixed systems its values have remained much lower than in the period of application of the PR system of the First Republic: in terms of votes, the average values are 64.9 for the PR system, 43.0 for the SMD+PR system and 54.9 for the PR+majority premium system; in terms of seats, the average values are 69.5, 45.0, and 61.9 respectively.

The other side of the story about the party system format regards the presence of coalitions. The high level of party fragmentation just seen would have paralyzed the parliament and the government, if it had not been ‘constrained’ and ‘moderated’ by coalitions. Thus, in the Second Republic coalitions have become a player at least as important as parties themselves. And the number of relevant coalitions have been far lower than that of parties. In fact, the trend of the effective number of electoral and parliamentary coalitions (see ENEC and ENPC in Table 1) shows the progressive consolidation of the bipolar setting, i.e. the pattern of competition based on only two main coalitions, up to the 2006 election, when the values of ENEC and ENPC are in both cases exactly 2.0. Then, in 2008 first and in 2013 more rapidly, there has been a decline in the same setting. This can be seen also by looking at the index of bipolarism, i.e. the concentration of the percentage of votes and seats on the top two coalitions. Under the mixed SMD-PR system, the average bipolar concentration of votes is 85.0 and of seats is 93.1, with a substantially rising trend. Under the mixed PR+majority premium system, the two values are 80.7 and 89.5 respectively, but with a diminishing trend from the highest peak of 2006 (almost 100% both in terms of votes and in terms of seats) to the lowest of 2013 (‘only’ 58.7 in votes and 75.0 in seats).

To conclude with the party system format, the quasi majoritarian electoral reform of 1993 did not certainly favored the emergence of a two-party system typical of majoritarian democracies. However, a party fragmentation even much higher than in the old PR system has for some time coexisted with a bipolar party system, being similar to a two-party system in the pattern of competition based on two main
alternatives for government, and differing from it in the nature of the alternatives (coalitions instead of parties). A mixed record for the mixed electoral systems.

One last point to be analyzed about the performance the electoral systems adopted in 1993 and 2005 regards executive stability, which was expected to increase significantly after decades of weak cabinets lasting an average of about only 10 months (or, more precisely, of 322 days). This is again a dimension where the effects of the electoral reforms are mixed. On the one hand, the life of governments has clearly grown, to an average of 17,5 months (523,4 days) in the three legislative periods when the SMD+PR system was in place and to 19,5 months (584 days) in the later period of PR+majority premium application. On the other hand, no government lasted an entire legislative term and there have been two cases of early elections, in 1996 and 2008. In other words, government have become more stable but not much as expected.

As we mentioned earlier, government stability has been fostered by the consolidation of bipolar setting in the party system, which allowed voters to choose between different alternatives (coalitions) for office. When elections are ‘decisive’ – i.e. when the winning coalition is granted a majority of seats in parliament, then the formation of the government is straightforward and based on the election outcome. It is as if the government were elected directly by people, consequently enjoying a surplus of legitimation. At this point, the question is why, in spite of this, the governments of the Second Republic have been only a little more stable than those of the First Republic. Two answers can be given.

The first one deals with party fragmentation and with the already mentioned paradox of government. Most electorally legitimimized governments have been formed based on inclusive, ‘catch all’ coalitions – exactly the ones needed to win the elections – and hence have incorporated their party fragmentation and internal ideological distance. Such governments have proved to be ineffective and have often come to an early end due to the defection of small parties insensitive towards the ‘constraining’ political effect of being part of the electorally victorious coalition.
The second answer has to do with the election decisiveness. Italy is a perfect bicameral system. Both branches of parliament have exactly the same powers. Specifically, in order to operate governments have to pass a vote of confidence in both houses. Yet, the Chamber and the Senate are elected with different electoral systems. Under these circumstances it is possible that elections may yield different outcomes and this is precisely what happened (see Table 2).

In 1994 and in 2013 the coalition with the plurality of votes obtained the majority of seats in the Chamber but not in the Senate. The elections were not decisive and the government formation was left to the post electoral party bargaining in parliament. This was particularly true in the case of the 2013 elections, due to the difference between the majority-assuring electoral system of the Chamber and the faulty non majority-assuring system of the Senate. Moreover, in 1996 in the Chamber and in 2006 in the Senate the winning coalition received a bare majority of seats and the government formed after these elections depended upon a narrow and fragile parliamentary support. Of course, all these situations did not favor government stability.

*Towards a new electoral reform: back to PR or a 'reinforced' mixed system?*

The electoral systems for the Chamber of deputies and for the Senate used since 2006 do not exist anymore. Under the ruling 1/2014 the Italian Constitutional Court struck down a number of their provisions, the most important of which is the majority premium. More specifically, the Court ruled out the constitutionality of a potentially

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3 The Court ruled out the constitutionality of the ‘closed’ lists as provided by the 2005 electoral laws and reinstalled the preference vote. The unconstitutionality lies not much in the closed nature of the
unlimited premium, i.e. a premium that can be assigned regardless of the votes received by the independent list or coalition with a plurality. In other words, the Court didn’t claim that the majority premium *per se* is unconstitutional, but rather that a majority premium – or majority bonuses as it is in the Senate electoral law – is unconstitutional only as far as if its assignment doesn’t depend upon the surmounting of a reasonably minimum vote threshold. By abolishing the premium and leaving intact the other rules for the distribution of seats, the Constitutional Court has introduced *de facto* a proportional electoral system. If general elections were to be held soon, before a new possible electoral reform, then the electoral systems resulting from the Court’s ruling would be used and Italy would go back to PR after more than twenty years.

Going back to a PR electoral system would likely represent the end of the attempts to build a more majoritarian democracy and therefore would open the way to a Third Republic more similar to the First than to the Second. The Italian Parliament is now facing the choice whether to make a new electoral reform so as to reinstall a mixed-majoritarian electoral system or to prevent it so as to keep the Court’s PR electoral system.

Matteo Renzi, Italy’s new prime minister, is pushing strongly for a new electoral reform that would re-introduce a mixed electoral system very similar to the system used until 2013, but now with a constitutionally compatible majority premium. Moreover, the new electoral system should apply only to the Chamber. In fact, the electoral reform is to be connected to the reform of the symmetrical bicameral structure of the Parliament, on the basis of which the Senate would be transformed into a not elective branch without the power to vote the (non) confidence in the government. A broader institutional change is therefore at stake.

At this stage it is too early to say whether the electoral reform will be approved before the next general election. However, if it were made in conjunction with the revision of the peculiar bicameral nature of the Italian Parliament, then it would be a fundamental lists, but rather in that they consists of too many candidates and therefore deprive voters of the chance to express their voice in the selection of candidates.
step forward in the direction of a more rational and coherent institutional setup for the years to come.

References


Table 1: Disproportionality, party system format, and cabinets’ duration in the period of application of three electoral systems for the election of the Chamber of deputies

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<th>Mixed PR + MAJORITY PREMIUM</th>
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Table 2: The decisiveness of the 1994-2013 elections in the Chamber of deputies and in the Senate: seats gained by the first (winning) coalition

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