



Elections and parties (party systems) in Democratization and/or Autocratization

“Useless votes: the dictatorship of the big parties in Portuguese democracy”

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Abstract

According to Portuguese legal order and as stated in the last Report of Freedom House 2024, Portugal is “a stable parliamentary democracy with a multiparty political system”, reinforcing that “civil liberties are generally protected.” However, across all the elections during the democratic regime along the last 50 year, there is a kind of dictatorship of the big parties in Portuguese democracy due the useless votes in each election. The principal reason is due the *Hondt* Method that presents different disadvantages, mainly linked to smaller parties and constituencies and the representativeness of constituencies. *Hondt*, the most used electoral method applied in the world, is a mathematic model that convert votes to mandates however the small parties and electorates representation are seriously affected, being translated in proportional

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application but not proportionally. In March 2024 from the Legislative Elections there were 673.382 valid votes that didn't elect representatives, what is serious and should be studied for legal and political re-action, "Democracy in the world" Report 2023 state that "Portugal fell from liberal to electoral democracy" but it is not a full democracy. The Portuguese Electoral Law for the Portuguese Assembly needs changes, probably with Compensatory constituencies protecting small parties and valuating all electors.

1. Portuguese political and electoral systems

In 2024 Portugal is commemorating 50 years of the Democracy and 48 years of the Constitution of the Portuguese Republic (CPR) (1976) that has been in force until today with 7 Revisions.³

Portugal is "*a sovereign Republic, based on the dignity of the human person and the will of the people and committed to building a free, just and solidary society.*" (Article 1 CPR) and "*The Portuguese Republic is a democratic state based on the rule of law, the sovereignty of the people, plural democratic expression and political organization*" (Article 2 CPR)

As stated in Article 10 CPR - *Universal suffrage and political parties* – "n. 1. *The people exercise political power by means of universal, equal, direct, secret and periodic suffrage, referendum and the other forms provided for in the Constitution.* 2. *Political parties exist in order to contribute to the organization and expression of the will of the people, with respect for the principles of national independence, the unity of the state and political democracy.*" The Portuguese electoral system has a multiparty structure, using the proportional representation system for the election of the members of the Portuguese Parliament as the Portugal's main legislative body. It is based on the representative democracy where the citizens elect their representatives who will make legislative decisions on their behalf. The universal suffrage - all Portuguese citizens aged 18 or over have the right to vote – the vote is universal, equal and secret.

The Portuguese Parliament is composed by 230 members (Deputies) elected, using the proportional representation system, more specifically, the Hondt method applied in electoral circles. These circles were defined as following: the Portuguese territory is divided in 22 electoral circles: 18 corresponding to the continent, 2 in the autonomous regions of the Azores and Madeira, and 2 of the emigration – representing Portuguese citizens living abroad. Applying the proportional representation, the number of Deputies elected to the Parliament by each electoral circle is proportional to the number of registered voters in each circle. Larger electoral circles, with more citizens registered, elect more Deputies.

Analyzing the Hondt method (CNE, 2024)⁴, it falls into the category of divisor methods as the mathematical operation that consists precisely of dividing the total number of votes obtained by each candidate, through previously fixed divisors. Within the

³ *Constituição da República Portuguesa*, Diário da República n.º 86/1976, Série I de 1976-04-10, with the Revisions: Constitutional Law n. 1/82; Constitutional Law n. 1/92; Constitutional Law n. 1/97; Constitutional Law n. 1/2001; Constitutional Law n. 1/2004; Constitutional Law n. 1/2005 - Diário da República n.º 155/2005, Série I-A de 2005-08-12.

⁴ Comissão Nacional de Eleições *Método de Hondt*, 2024, <https://www.cne.pt/content/metodo-de-hondt>

proportional representation system, Hondt method sought to solve the problem of the distribution of mandates. Positively, this method ensures good proportionality (vote/mandate ratio); it's very simple to apply compared to others (with just one operation it awards all the mandates); predictable effects and it is the method most used in the world (CNE, 2024). The main disadvantage attributed to this method is that it tends to favor larger parties.

The Hondt method⁵ effects depend on other determining elements of the electoral system, including both in terms of territorial size and magnitude, i.e., the number of representatives to be elected. Aiming to evaluate the results of the Hondt method is elementary to attend to two objectives considered fundamental to achieve to the success of any electoral system: inclusiveness and governability.⁶ Hondt method is legally preview in Portugal by the Constitution of the Portuguese Republic – Article 149, n. 2 “Members of the Assembly of the Republic are elected for constituencies that shall be geographically defined by law. The law may order the creation of plurinominal and uninominal constituencies and lay down the nature and complementarity thereof, in such a way as to ensure that votes are converted into numbers of seats in accordance with the proportional representation system and using Hondt’s highest-average rule.” Consequently, in Portugal there is a legal correction preview to the pure Hondt method, i.e., if the last mandate is still to be awarded and the quotient of two different lists is equal, that mandate will be given to the list that obtained the lowest number of votes in terms of total results. This is preview in Article 149 CPR, n. 2 “with the exception of the national constituency when one exists, the number of Members of the Portuguese Parliament for each plurinominal constituency in Portuguese territory shall be proportional to the number of citizens registered to vote therein.”

Marcello Caetano⁷ affirmed that, after being established the political society, what is different from the individuals and the primary societies, who are part of it, due their interests as due their aims. (Caetano, 1991, p. 178) The Portuguese sovereign bodies are the Assembly of the Republic (Portuguese Parliament)⁸, the President of the Republic,

⁵ *Hondt Method* function: after the votes have been counted, seats in the Assembly are allocated based on the proportion of votes each Party received. The Hondt method favors a distribution that tends to slightly benefit the larger Parties but guarantees representation to smaller Parties that manage to achieve a minimum number of votes. *Distribution of the votes*: The lists of candidates are sorted by Party, and the seats are distributed among the Parties according to the number of votes each received in the electoral circle. (CNE, 2024)

⁶ *Idem*.

⁷ *Marcello Caetano* “as a young law graduate, helped draft the Estado Novo constitution, which was adopted in 1933. Linked to the teaching of law for several decades, he began his political career in the 1940s, leading the Portuguese Youth Movement. Pointed out as one of Oliveira Salazar's delphine, he took over the presidency of the Council of Ministers when the latter left power, incapacitated, after falling from a chair. His appointment in 1968 raised great expectations among the more progressive currents of the National Union, the country's only Party, but these were soon dashed and Marcello Caetano found himself increasingly alone, abandoned by both the so-called hard line and the regime's progressives. In 1974, he resisted the coup attempt that took place on March 16, but the same didn't happen a little over a month later. On April 25, surrounded in the Carmo GNR barracks, he surrenders and hands over power to General Spínola.” in <https://ensina.rtp.pt/artigo/os-anos-de-poder-de-marcelo-caetano/>
He died in 1980 in Brazil, where he had gone into exile

⁸ The *Portuguese Parliament* has the main powers of legislating, i.e. making laws, and overseeing the actions of the government. It also stands out in the political system, not only because of its primary

the Government and the Courts. The organs of sovereignty exercise the sovereign powers of the State and are provided for in the Constitution of the Portuguese Republic. (parlamento.pt, 2024) The sovereign bodies are instituted by the Constitution, adopted powers of self-organization – except by the Courts –, are not subordinate to any other by the superior State power, in external or internal dimension. (Correia e Pinto, 2020, p. 227)

2. Elections of XVI Legislature of the Portuguese Parliament 2024

2.1. The background

Portugal is in the XVI Legislature of the Portuguese Parliament and Government of the Democratic Regime (the 3rd Portuguese Republic) elected on March 10th, 2024.

As described by OSCE - ODIHR – Office for Democratic Institutions and Human Rights – Portugal about the early Parliamentary Elections 10 March 2024: “following the last early parliamentary elections on 30 January 2022, eight political groups gained representation in parliament. The Socialist Party (PS) of the incumbent Prime Minister Antonio Costa received four seats above the minimum required and was able to form a majority government. In the outgoing Parliament, 85 members (37 per cent) are women, and 3% decrease from the previous Convocation. Nine out of 17 Ministers in the outgoing government were women.”⁹ (OSCE – ODIHR, 2024, p. 5)

The Portuguese electoral system rules are mainly the following “1. Candidatures are presented and checked for regularity before the courts (Ordinary Courts – Legislative, Municipal and Regional; Constitutional Court - Presidential and European); 2. There is an electoral campaign period (of approximately 12 days) in which Parties/Candidates are entitled to specific means of campaigning, namely airtime on television and radio, additional advertising spaces and the use of concert halls and public venues; 3. The principle of freedom of propaganda is in force at all times, consisting of freedom of means and content of propaganda; 4. Public bodies are particularly subject to a duty of impartiality and neutrality towards candidates; 5. The media are bound by a duty of non-discriminatory journalistic treatment of candidacies; 6. There is a ban on the publication of polls on the eve and day of the election, until the polls close; 7. The principle of transparency and supervision of electoral accounts is in force; 8. The National Electoral Commission has the task of ensuring equal opportunities for candidates to act and

function of representing the citizens, but also because it is the basis for the formation of the government and is the body to which the government must answer. (parlamento.pt, 2024)

The Portuguese Parliament competences and rules of its functions, as the rights and duties of its members are defined by the Portuguese Constitution, the Rules of Procedure, the Members' Statute and the Code of Conduct. (parlamento.pt, 2024)

⁹ Complementary “voter registration is passive, and the centralized electronic voter register is extracted from the population register database; some 10.8 million voters are registered for these elections. Citizens above 18 years of age are eligible to vote, except those whose right has been explicitly revoked by a court decision for a grave criminal offence. Further, existing restrictions on the right to vote for those with intellectual and psychosocial disabilities are contrary to international standards. Voter lists are available for public scrutiny with the possibility to rectify omissions.” (OSCE – ODIHR, 2024, p. 6)

advertise, ensuring equal treatment of citizens in registration and electoral acts and promoting objective clarification of citizens about electoral acts; 9. Judicial and administrative acts in electoral matters are, as a rule, subject to review by the Constitutional Court.” (CNE, <https://www.cne.pt/content/apresentacao>, 2024)

These 2024 Portuguese elections for the Parliament¹⁰ were result of a political crisis, followed announcement of the Prime Minister’s resignation, on 9 November 2023, and the President of the Portuguese Republic, Marcelo Rebelo de Sousa who announced dissolution of the Parliament and called for Early Elections for 10 March 2024.¹¹

2.2. Portuguese Elections for the Portuguese Parliament March 10, 2024: Results

As previously explained, the Political Parties are recognized (mainly) by the Articles 10, 40, 51 of the Constitution of the Portuguese Republic. Historically, after the Revolution of 25 April 1974¹² and the implementation of the democratic, plural and free regime brought out in the Portuguese juridical and constitutional order the emergence of the political parties.¹³ Most political parties were created between 1974/1976, although the creation of new parties until now. It’s important to note that only a small number of parties have achieved consecutive parliamentary representation. Following the Portuguese Political Parties registered:

¹⁰ It’s relevant to identify the *Comissão Nacional de Eleições – CNE* (National Election Commission – NEC) that is the highest body in the electoral administration with the power to discipline and supervise all acts of registration and electoral operations for elective bodies of sovereignty, autonomous regions and local government and for the European Parliament, as well as in the context of referendums. The Commission is an independent body, works with the Portuguese Parliament and is governed by the Law no. 71/78, of December 27. The composition is: a judge from the Supreme Court of Justice, to be appointed by the Superior Council of the Judiciary, who will be the chairman; citizens of recognized merit, to be appointed by the Assembly of the Republic, on a list and proposed by each parliamentary group and an expert appointed by each of the government departments responsible for Internal Administration, Foreign Affairs and the Media. CNE - <https://www.cne.pt/content/estatuto-e-composicao>

¹¹ “Parliamentary elections are primarily regulated by the 1976 Constitution and the 1979 Law on Parliamentary Elections (hereinafter election law). In addition, a broad range of election-related legislation regulates specific aspects of the process, including laws on voter registration, out-of-country voting, on political Parties, their campaigns and funding, on media coverage of elections, on opinion polls and others. The laws are further supplemented by subsidiary regulations issued by the National Election Commission (NEC) and the Ministry of Internal Administration (MIA). In July 2023, a parliamentary resolution was passed, establishing a working group comprising the election administration and all parliamentary political Parties with the aim to consolidate the electoral legal framework. The working group has not yet commenced its work”. (OSCE – ODIHR, 2024, p. 4)

¹² “The *Revolution of April 25, 1974*, marked the beginning of democratic life in Portugal. The military coup led by the Armed Forces Movement (MFA) put an end to the authoritarian regime of the Estado Novo, paving the way for the resolution of the colonial war and the democratization and development of the country.” in [parlamento.pt](https://app.parlamento.pt/comunicar/V1/202104/72/artigos/art2.html): <https://app.parlamento.pt/comunicar/V1/202104/72/artigos/art2.html>

¹³ *Political Parties* considered as private associations with constitutional objectives aiming the political mediation translated in the organization and expression of the popular will, participation in the representative organs and in the influence in the formation of the government.

Name	Acronyms	Inscription Date
Partido Comunista Português	PCP	26-12-1974
CDS - Partido Popular	CDS-PP	13-01-1975
Partido Social Democrata	PPD/PSD	17-01-1975
Partido Socialista	PS	01-02-1975
Partido Comunista dos Trabalhadores Portugueses	PCTP/MRPP	18-02-1975
Partido Popular Monárquico	PPM	17-02-1975
Partido Ecologista "Os Verdes"	PEV	15-12-1982 [ex-MEP-PV]
Ergue-te	E	10-07-1985 [ex-PRD e ex-PNR]
Partido da Terra	MPT	12-08-1993
Bloco de Esquerda	B.E.	24-03-1999
Partido Trabalhista Português	PTP	01-07-2009
Pessoas-Animais-Natureza	PAN	13-01-2011 [ex-Partido pelos Animais e pela Natureza (PAN)]
Movimento Alternativa Socialista	MAS	29-07-2013
LIVRE	L	19-03-2014 [ex-Livre (L) e ex-Livre/Tempo de Avançar (L/TDA)]
Juntos pelo Povo	JPP	27-01-2015
Alternativa Democrática Nacional	ADN	11-02-2015 [ex- PDR – Partido Democrático Republicano)
Nós, Cidadãos!	NC	23-06-2015
(A)TUA	A)T	13-07-2015 [ex-PURP]
Iniciativa Liberal	IL	13-12-2017
Aliança	A	23-10-2018
CHEGA	CH	09-04-2019
Reagir Incluir Reciclar	R.I.R.	30-05-2019
Volt Portugal	VP	25-06-2020
Nova Direita	ND	09-01-2024

Figure 1 – Portuguese Political registered Parties: Constitutional Courts
<https://www.tribunalconstitucional.pt/tc/partidos.html>

2.3. The Portuguese elections the official number of Deputies to be elected to the Portuguese Parliament (10 March 2024) by the distribution by the electoral circles (Published in Portuguese National Official Journal)

The official results of the parliamentary elections were published by the *CNE – Comissão Nacional de Eleições* in the *Diário da República*, 1st series, on January 16, 2024, with No. 11, pages 5-(2), through the insertion of “*Mapa Oficial n.º 1-A/2024*”, which we introduce below with Figure 2.

Electoral Circles	Number of voters	Number of Deputies
Aveiro	642 185	16
Beja	119 112	3
Braga	780 228	19
Bragança	134 237	3
Castelo Branco	163 613	4
Coimbra	371 791	9
Évora	133 414	3
Faro	382 622	9
Guarda	141 450	3
Leiria	412 223	10
Lisboa	1 915 377	48
Portalegre	93 120	2
Porto	1 591 947	40
Santarém	377 315	9
Setúbal	751 385	19
Viana do Castelo	233 527	5
Vila Real	208 700	5
Viseu	335 711	8
Madeira	254 553	6
Açores	230 082	5
Europa	937 185	2
Fora da Europa	609 345	2
<i>Total</i>	10 819 122	230

Figure 2 - Map of the number of Deputies to be elected to the Assembly of the Republic on March 10, 2024, and their distribution among the constituencies.

Diário da República n.º 11/2024, 1º Suplemento, Série I de 2024-01-16, páginas 2 – 2

Source: DR online: <https://diariodarepublica.pt/dr/detalhe/mapa-oficial/1-a-2024-836906063>

This map inserted in Figure 2 shows us the total number of voters in each of the 22 (twenty-two) electoral circles, as well as the number of Deputies corresponding to each of those electoral circles.

2.4. Portuguese elections March 10, 2024: Global Results by Parties (National Territory and Foreigner):

Once the Parliamentary elections were held, the final result was the following distribution of Deputies among the competing Parties, which is shown in Figure 3 below.

Party or Coalition that run in the election	Votes	%	Deputies
PPD/PSD.CDS-PP.PPM	1.814.021	28,02	77
PPD/PSD.CDS-PP	52.992	0,82	3
PS	1.812.469	28,00	78

CH	1.169.836	18,07	50
IL	319.685	4,94	8
B.E.	282.314	4,36	5
PCP-PEV	205.436	3,17	4
L	204.676	3.16	4
PAN	126.085	1,95	1
ADN	102.132	1,58	0
R.I.R.	26.121	0,40	0
JPP	19.133	0,30	0
ND	16.442	0,25	0
PCTP/MRPP	15.499	0,24	0
VP	11.858	0,18	0
E	6.034	0,09	0
MPT.A	4.267	0,07	0
PTP	2.443	0,04	0
NC	2.396	0,04	0
PPM	451	0,01	0

Figure 3 – Legislative Elections 2024 - (Elaborated by the authors)
Source: Secretaria Geral do Ministério da Administração Interna (Portuguese Government)
<https://www.eleicoes.mai.gov.pt/legislativas2024/resultados/globais>

After these Parliamentary elections, the XVI Legislature 2024 has the following configuration, as shown in Figure 4 below:

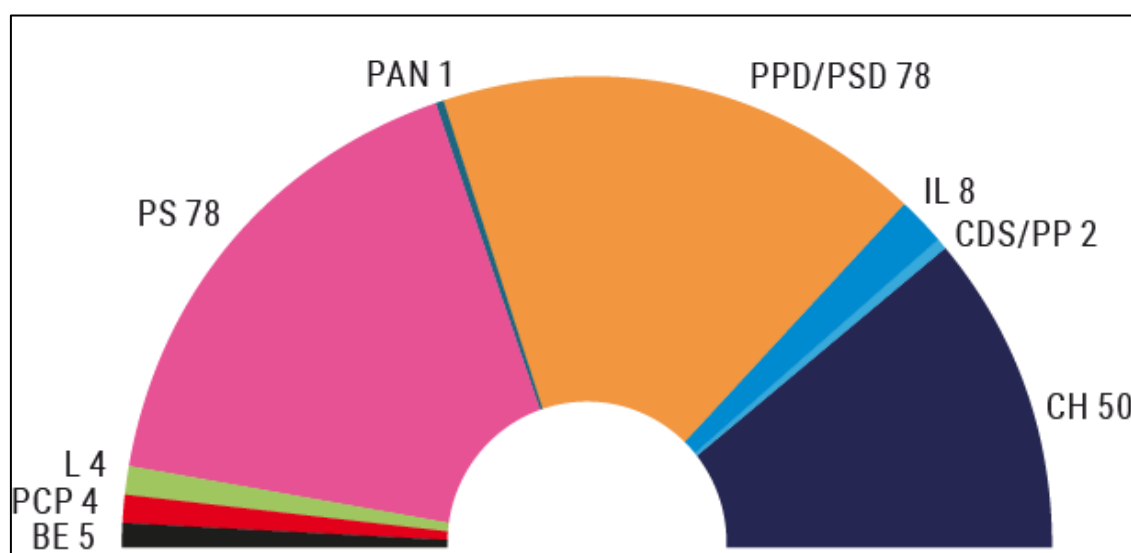


Figure 4 – Electoral Results - (XVI Legislature) Source: Portuguese Parliament
Source : <https://www.parlamento.pt/Parlamento/Paginas/ResultadosEleitorais.aspx>

When reading this map, it should be noted that “The acronyms are the elected Parties whose names are described in Figure 1” and that the “PCP and PEV ran together in the CDU coalition, obtaining 205,436 votes (3. 17%)”, as well as the ‘PSD, CDS-PP and PPM ran together in the AD coalition, except in Madeira (where PSD and CDS-PP ran in

coalition - MADEIRA PRIMEIRO), obtaining in coalition or individually a total of 1,867,013 votes (28.84%)’.

2.5. Portuguese elections March 10, 2024: Useless votes (data)

The main question to us, guiding us along the research and this analyzis, is whether all Portuguese voters feel truly represented in Parliament, or whether there are Portuguese who voted for Parties but were unable to elect any Deputy and, as a result, their votes were useless, and they don't even have anyone who effectively represents them.

Portuguese media on the day immediately after the elections for the Parliament on 10 March 2024 debated the *wasted* votes, explaining that more than 670 thousand votes, meaning that one in each nine, didn't elected Deputies, as explained Diogo Camilo¹⁴. According to his research, after the total counting votes, it's undoubtable the most affected Parties were the smaller ones. The Electoral Circles, Braga (BE – Bloco de Esquerda, CDU, Livre and PAN didn't elect any Deputy), it there where the higher number of useless votes were confirmed; Bragança had the higher percentage – 13% - of wasted votes. Lisbon had the lower percentage of wasted votes. Applying Hondt method, the fewer Deputies are elected in an electoral circle, it's more probable that there will be a high percentage of wasted votes, since the election of each deputy requires a greater number of votes.

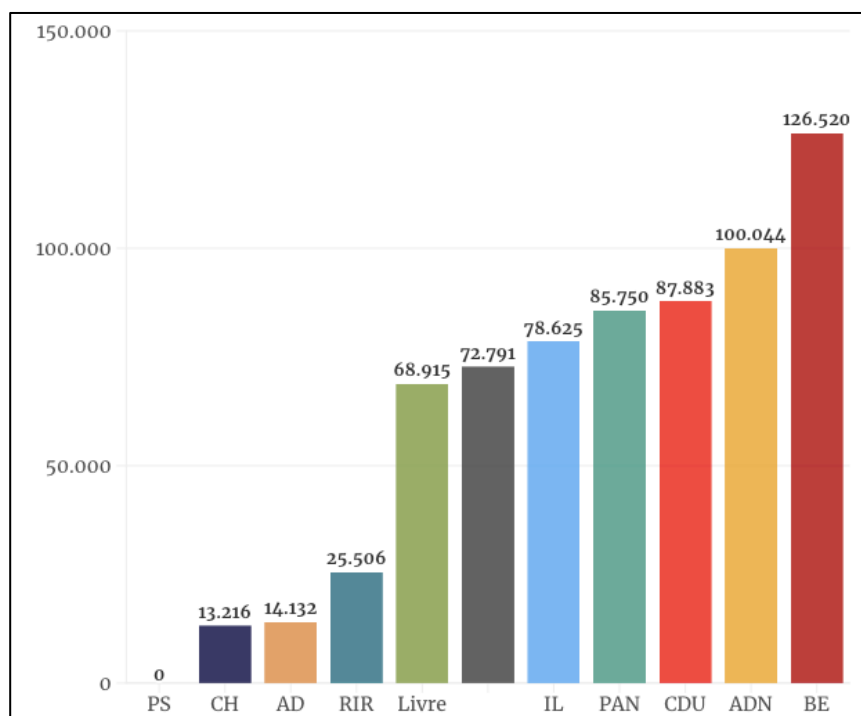


Figure 5 – Which Party had more wasted votes?

Source: Secretaria Geral do Ministério da Administração Interna (Portuguese Government) through Rádio Renascença: <https://rr.sapo.pt/resultados-legislativas-2024>

¹⁴ RR – Rádio Renascença: Source: <https://rr.sapo.pt/printArticle.aspx?objid=93693ab4-c7df-ee11-85f7-000d3a4c47cd>

2.5.1. What is the national ratio between the votes obtained and the number of Deputies elected?

In order to present our analysis, we are going to use the data we have already inserted in Figure 3 to show that there is a large number of votes that did not result in the election of any Deputy, just as there are Parties or coalitions of Parties where fewer votes were needed to elect Deputies, compared to other Parties or coalitions, of course.

In Figure 6 – below - we can identify the votes that turned into elected Deputies:

Party or Coalition that <u>elected</u> Deputies	Votes	%	Deputies	Average number of votes per elected deputy = (Votes / deputy)
TOTAL Coalition PPD/PSD.CDS-PP.PPM	1 867 013	28,84	80	23 337,66
PS	1.812.469	28,00	78	23 236,78
CH	1.169.836	18,07	50	23 396,72
IL	319.685	4,94	8	39 960,62
B.E.	282.314	4,36	5	56 462,80
PCP-PEV	205.436	3,17	4	51 359,00
L	204.676	3.16	4	51 226,50
PAN	126.085	1,95	1	126 085,00
TOTAL	5 987 514	92,49	230	26 032,66

Figure 6 - Party or Coalition that elected Deputies (Elaborated by the authors)

If we take into account the votes obtained by each Party or coalition and divide that number of votes by the total number of Deputies that each of them managed to elect, we see that the “PS” was the Party that made the best use of the votes obtained, since its 1,812,469 turned into 78 Deputies, i.e., each deputy represents a ratio of 23,236.78 votes.

It should be noted that the “PAN”, which obtained 126,085 votes, only managed to elect 1 Deputy, which translates into a vote/Deputy ratio of 126,085.00, i.e. among the Parties with representation in Parliament, it is the one that is most penalized.

Analyzing Figure 6 above, we can see that the total number of votes cast for the election of Deputies was 5,987,514, which elected the 230 Parliamentarians who make up the Assembly of the Republic, which translates into a national average of 26,032.66 votes per Deputy elected.

2.5.2. What would be the national proportion of votes that did not lead to the election of any Deputy if we used the national average of 26,032.66 votes per elected “Deputy”?

To answer this question, we drew up Figure 7 below. Analyzing of this figure reveals three relevant aspects:

Party or Coalition That <u>didn't elect</u> Deputies	Votes	%	Deputies	How many Deputies would you have elected if you divided the national average by the votes obtained? (Votes/26 032,66)
ADN	102.132	1,58	0	3,92
R.I.R.	26.121	0,40	0	1,00
JPP	19.133	0,30	0	0
ND	16.442	0,25	0	0
PCTP/MRPP	15.499	0,24	0	0
VP	11.858	0,18	0	0
E	6.034	0,09	0	0
MPT.A	4.267	0,07	0	0
PTP	2.443	0,04	0	0
NC	2.396	0,04	0	0
PPM	451	0,01	0	0
Total votes that <u>didn't elect</u> Deputies	206.776	3,20	0	7,94

Figure 7 – Party or Coalition that didn't elected Deputies (Elaborated by the authors)

- First - The ADN Party would have managed to elect 3.92 Deputies;
- Second - The R.I.R. Party would have managed to elect 1.00 Deputies;
- Third - The 206,776 votes that did not result in any elected Deputies, if we divide this total number of votes by the national average of Votes 26,032.66 / Deputy, we find that they represent 7.94 Deputies, i.e. all the Portuguese who voted for these Parties or Coalitions may feel short of representation in Parliament by a total of 7.94 Deputies.

2.5.3. How many Deputies represent the “Blank Votes” and the “Null Votes”?

Although we know that those who “Vote Blank” and cast a “Null Vote” don't want to elect any of the Deputies running in the elections, we are nevertheless going to show how many Deputies this total set of votes represents, and to do this we have produced the data shown in “Figure 8” below.

Votes without expression of will	Votes	%	How many Deputies do these votes represent? (Votes/26 032,66/)
Blank Votes	89.823	1,39	3,45
Null Votes	189.676	2,93	7,28
TOTAL	279 499	5.01	10,73

Figure 8 – Votes without expression of will (Elaborated by the authors)

From the analysis of this data, we can see that the total number of votes that did not lead to the election of any Deputy would represent:

- First - “Blank Votes” represent “3.45” Deputies;
- Second - The “Null Votes” represent “7.28” Deputies;
- Third - All those votes represent “10.73” not elected.

3. “Useless votes: the dictatorship of the big Parties in Portuguese democracy”

This is the main topic of this study which aiming to identify and debate if the useless votes¹⁵ in Portuguese elections dictatorship of the big Parties in Portuguese democracy, considering the elections for the Portuguese Parliament in March 2024.

In democracy the different Parties who run for the election propose to the voters a package of different politics. Based on those proposals the voters select the Party that they want in the Government and in the Parliament. (Teixeira, 2018, p. 81). However, this is a complex process worldwide and, obviously, in Portugal. The results of any elections are always object of different perspectives, but the facts of wasted votes we present in this paper is mostly ignored and/or undervalued.

There are different critics to the Portuguese electoral system by different experts / political scientists and there are different proposals to change the actual system. More than different non-official proposals, it was presented to the Portuguese Parliament a “Citizens' legislative initiative amendment to the electoral law for the Assembly of the Republic”¹⁶, but it's under process, so it's only an element consider as “nonofficial”.

After the elections in 2022 Artur Cassiano, a Portuguese journalist, presented research in Media¹⁷ along the 50 years of Democracy in Portugal, explaining that there were about 7.6 millions useless votes, affecting in particular the smaller Parties (CDU, BE and

¹⁵ In the different studies and data, there are different designations of this votes: *wasted, useless, ignored, valid for nothing*.

¹⁶ Iniciativa dos Cidadãos: Proposta de “*Reforma da Lei Eleitoral para a Assembleia da República*” – in Parlamento [Legislative Initiative of Citizens: Proposal of “Reform of Electoral Law to the Portuguese Parliament] in <https://participacao.parlamento.pt/initiatives/3949#initiative-attachments>

¹⁷ Diário de Notícias, 23 January 2022, Article “*P'ró lixo. Já foram desperdiçados 7,6 milhões de votos em Portugal*”, <https://www.dn.pt/politica/pro-lixo-ja-foram-desperdicados-76-milhoes-de-votos-em-portugal-14514155.html/>

others) benefiting the biggest Parties (PS and PSD). This journalist research expose that this explains the “looser” Parties were always the smaller ones.

Following the 2024 elections different Media was debating the more than 1 million useless votes (those that didn’t elected any Deputy).

Ascenso Simões¹⁸, who was Portuguese politician (2002-2022) and author of different publications, has published different analyzis and proposals of reform of the Portuguese electoral system (books and media articles / interviews). Simões is one of the authors who point out the useless votes, as well as the need of a deep review of the electoral circles.

Luís Humberto Teixeira, political scientist¹⁹, researched the useless votes since 1975 and underlined their conclusions, affirming that the medium and small Parties were the most harmed in the most different Portuguese elections along the democratic regime.

In this same line of study, Secretaria Geral do Ministério da Administração Interna (Portuguese Government) presents data exposing that since 1976, along the 18 legislative elections, till 2024, more than nine million votes didn’t elect any Deputy as Figure 9 (official data):

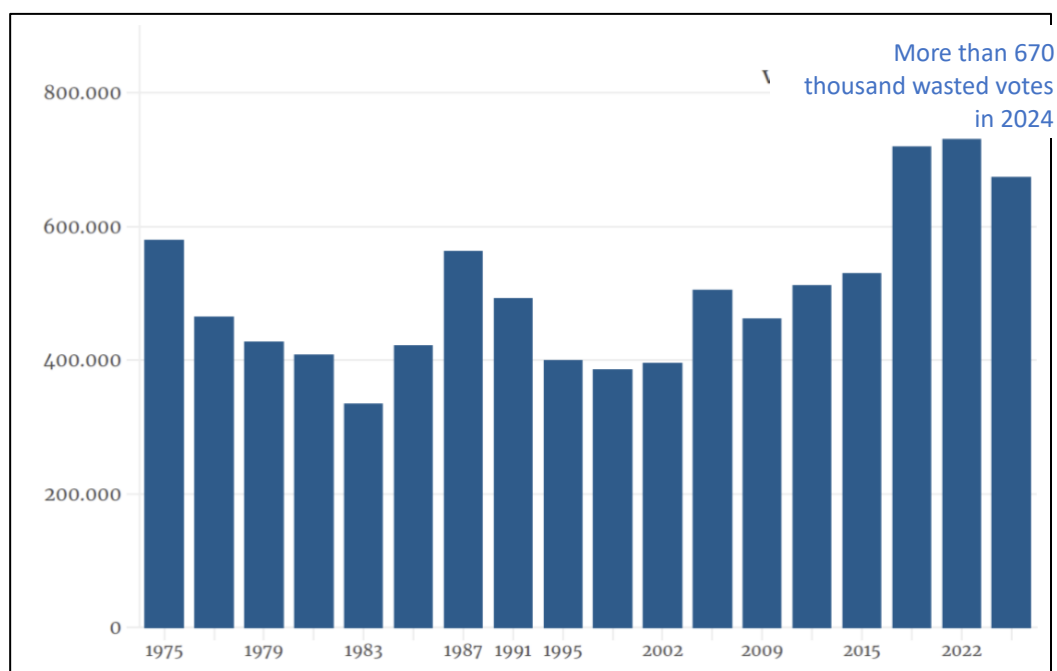


Figure 9 – In 18 legislative elections more than 9 million votes didn’t elect any deputy.

Source: Secretaria Geral do Ministério da Administração Interna (Portugal):

<https://www.sg.mai.gov.pt/AdministracaoEleitoral/EleicoesReferendos/AssembleiaRepublica/Paginas/default.aspx?FirstOpen=1>

¹⁸ PhD Ascenso Simões was Deputy of the Portuguese Parliament and Secretary of State (Socialist Party) 2002-2022.

¹⁹ Luís Humberto Teixeira master’s in political science – Comparative Politics and expert in Communication. This study is available in his personal website – <https://omeuvoto.com/circular/> based on the National Election Commission www.cne.pt and <https://www.cne.pt/content/eleicoes-referendos-resultados-oficiais>.

3.1. The electoral system – analysis and debate

In Democracy the electoral system is the basis that permits to designate the representatives and the governments, being a set of mechanisms of conversion the votes in political terms. The question is: how the votes are counted and how they are converted in places in the Parliament (Deputies and/or Government)? The electoral system has double function: 1) select the representatives and 2) designate the governments. Finally, it has representative and political functions that should ensure the representativity and legitimacy the practice of the power. (Cruz, 2017, pp. 17-18) The politics are constituted by systems structured with data and with the aim to find casual links between them (Minogue, 1996, p. 111).

The problems affecting the electoral system concerning the proportional representation is mainly the application of the Hondt method. In fact, who select the Deputies are the Political Parties, the voters are restricted to confirm the Party selection and vote in a political Party. However, it's important to be aware that most of the Portuguese citizens – voters – aren't conscious of this reality / facts by missing political information / educations, as well as there are a higher number of the voters who are not really interested in the grades of the Parties proposal names for Deputies. Worst within the Portuguese electoral system is the absence of interest / knowledge from the voters of each electoral circle, meaning there are too many voters that don't know who the candidates to Deputy are, i.e., who they are electing. (Cruz, 2017, pp. 30-31)

It's undoubtable that Portuguese voters are not aware of the wasted votes in Portugal, in each electoral circle in each election. Within the Portuguese society, the main problem is missing information about the political and electoral systems and due a deficient enrolling in the effective democracy by the citizens.

Along last years, after the official counting of the results of the elections for the Portuguese Parliament, it was frequently the debate and the presentation of different proposals for the electoral system. In fact, the most cited problem has been the review and the reorganization of the electoral circles, aiming to prevent consequences, particularly the higher number of useless votes. Although, "it's impossible to ignore that, while the Portuguese proportional system has allowed for a reasonable ideological congruence between voters and elected representatives at parliamentary level, but this is not the case at government level, given the systematic exclusion of the radical left from government" (Freire, 2015, p. 28). Nevertheless, it's mandatory to promote and maintain the debate about the electoral system alterations needed, because these is the way to implement an effective democracy in Portugal.

In 2009, as the first signatory Castro and Duque submitted to the Portuguese Parliament, a petition (citizens' legislative initiative) aiming to reform the electoral system, that would be made up of single-member and multi-member electoral circles. This proposal was particularly complex, as it required three types of electoral circle (single-member, territorial and a national electoral circle) and a double vote by voters (Castro, J., Duque,

J., 2019). As an alternative to this Initiative, it was debated that the reform would be the constitution of a set of single-member circle with a national circle.

Paulo Trigo Pereira (ex-Deputy), a great enthusiast who has been worked the reform of the Portuguese electoral system, has emphasized that in his opinion, it is not to debate “all the reform hypotheses”, but to discuss two specific issues that could serve as “anchors” for the project: 1) a mixed system of personalized proportional representation and 2) a privileged voting list. The Pereira proposed system has different advantages, especially in terms of democratic representation that are worth considering. In addition, he defends that it allows Deputies to act as representatives of their electoral circles, giving voice to the difficulties of the populations, both geographically and socially, furthest away from the administrative center and thereby demanding a more harmonious functioning of the Central Administration. A group of 25 Portuguese personalities signed this legislative initiative of the Electoral system Reform, agreeing that this reform is urgent. We can conclude that this challenge is launched through the manifesto entitled “Reforming the Electoral System: Renewing Democracy” and aims to debate and build a “fairer” and “more representative” electoral model. (Parlamento, 2024)²⁰

Conclusions

This research allows us to affirm that the electoral system and the useless votes have been and is a long, complex and serious problem. It's too serious collect and confirm the higher number (millions) of the wasted votes, meaning that the will of million citizens is not represented in the effective election of the Parliament. This is serious and a dangerous affectation of the State, Portugal, as a Democratic Rule of Law (Article 2 PRC).

These problems – realities – must be understood as part of the Fundamental Rights. Concerning the Article 10 PRC - *Universal Suffrage and Political Parties* – Canotilho commented the following: “Suffrage is not just an objective principle, a component of the Constitution's democratic principle. It is also a fundamental right of citizens (Article 49), and is covered by the regime of “rights, freedoms and guarantees” (Articles 17 and 18). Moreover, the principles of universality and equality laid down in this Article 10 are nothing more than the objective consequence of the application to the right to vote of the principles of universality and equality that govern all fundamental rights (Articles 12 and 13).” (Canotilho, 2007, pp. 283 a 289)

According to the data presented, the detailed debate and the analyzes of the effective needs to the reform of the Portuguese electoral system, it's mandatory protect the democratic system, avoiding that any citizen has their political will ignored by his vote disregarded / wasted.

²⁰ This Legislative Initiative was already submitted to the Portuguese Parliament but is waiting for signatures to be started the discussion. Available: Parlamento: <https://participacao.parlamento.pt/initiatives/3949>

We consider it's urgent to promote, more and more, strategies to educate society for political subjects, as part of life of all citizens, giving information as complete as possible, aiming to boost the behavior and the responsibility of all citizens as the more important "actors" in democracy. Portuguese politics should assume this responsibility as a mission. As expressed above, the main question to us is whether all Portuguese citizens voters feel truly represented in Parliament, or whether there are Portuguese who voted for parties but were unable to elect any Deputy and, as a result, their votes were useless, and they don't even have anyone who effectively represents them.

Finally, answering to the subject for this research and study – "*Useless votes: the dictatorship of the big parties in Portuguese democracy*" – it's factual as the elections results show. The inactivity for decades of the most different political power(s) – Government and Deputies (elected from the biggest Parties) – to solve and overcome this serious problem, to protect and allow all citizens to living their full citizenship, implementing a full democracy in Portugal, particularly in the electoral act, which is a fundamental right and the greatest democratic exercise.

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