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The effects of majority requirements, selectorate composition and uncertainty in indirect presidential elections: The case of Estonia

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Abstract

This article assesses the effects of common features in the indirect election of presidents in parliamentary republics. In particular, it examines the influence of majority requirements, selectorate composition and uncertainty on party strategies, using Estonia (1996-2016) as a crucial case for analysis. The analysis demonstrates that the lack of a plurality run-off effectively eliminated incentives for inter-party cooperation and strategic voting. It furthermore shows that shifts in the partisan composition and control of the selectorate from parliament to electoral college provided considerable opportunities for agenda manipulation. Subsequently, results only rarely reflected the parliamentary balance of power. Last, although overall indicators suggest greater congruence between parliament and electoral college over time, this proliferated rather than reduced parties' uncertainty over the electoral outcome as non-parliamentary electors voted based on local interests and acted independently from national party leaders.

Keywords

electoral college; Estonia; parliament; party strategy; presidential elections

Introduction

The electoral functions of parliaments beyond the selection of governments are one of the last frontiers in legislative research. Legislatures are frequently involved in selecting external actors such as judges, ombudsmen, and presidents. Surprisingly, comparatively little is known about the specific regulations governing these contests and their effects on party strategies and electoral outcomes (for notable exceptions see Sieberer 2013; Nikolenyi 2014).

In the context of elections in parliament, the indirect election of presidents is of particular scholarly and practical importance. First, indirectly elected presidents are a crucial check-and-balance in their respective political systems (Tavits 2008; Hloušek 2013). In contrast to judges and ombudsmen, they perform a much more party-political function – although few possess far-reaching executive powers (Strohmeier 2012), presidents' opposition can present serious obstacles even for strong governments (Mainwaring and Shugart, 1997). Second, due to the office's prominence researchers can rely on comparatively ample documentation and source material on their election (Lagerspetz 1993; 1997). Thus, even though voting is secret it is possible to gain in-depth insights into party strategies and infer individual-level voting behaviour. Finally, indirectly elected presidents can not only be conceptualised as agents of assemblies (Samuels and Shugart 2010; see also Elster 1997; Tavits 2008; Nikolenyi 2014; Köker 2017) but *actually* perceive themselves as accountable to the majorities that elected them (Köker 2017). Analyses of indirect presidential elections therefore also promise new insights on various aspects of principal-agent models and chains of accountability (e.g. Strøm, Bergman and Müller 2003; Lane 2007).

The aim of this article is to contribute to the hitherto limited literature on indirect presidential elections by analysing the effects of three common features –

majority requirements, selectorate composition and uncertainty – on party strategies and electoral outcomes. To do so, it provides a study of presidential elections in Estonia, 1996-2016, as a crucial case for analysis. The Estonian case particularly highlights that indirect presidential elections are anything but a straightforward affair. Rather, they involve careful strategizing by political parties and outcomes are far from predetermined. Furthermore, the Estonian system combines characteristics that can be found across other parliamentary republics. Specifically, it stipulates the election of a president in a unicameral parliament with a (frequently used) failsafe option in the form of an electoral college composed of legislators and local council representatives; thereby, it lacks a plurality run-off in both stages and theoretically allows for indefinite rounds of voting.[1] The findings of this study can thus provide important starting points for further research – including on questions of strategic voting, agenda manipulation, and single-winner electoral systems – and highlight potential for comparison with other countries. Lastly, the case of Estonia has a particular contemporary relevance. The failure of parliament and electoral college to elect a president over five rounds of voting in 2016 has revived debates about changing the system (ERR 2016a). Therefore, it is timely to provide a comparative analysis of elections over time, critically evaluate the system's performance to date, and discuss recommendations for reform.

The article proceeds as follows. First, it offers a brief overview of scholarship on indirect presidential elections and presents two approaches that situate their study as part of the literature on coalition government and social choice. The second part maps the properties and incentive structure of the Estonian system, whereas the third part provides an analytical narrative of the elections to date, analysing in particular the effects of a lacking run-off and continuous revision of strategies. It finds that the system provided little incentive for parties to make serious attempts at electing a president in

parliament. Rather, parties chose to face the uncertainty of the electoral college where they – outnumbered by local electors not under party whip – subsequently had little control over the result. Based on these insights, the fourth part analyses the shifts in partisan composition and control of the selectorate from parliament to electoral college and gauges the power of local electors in the process. Based on original, individual-level data on over 500 MPs and 1,000 local council electors, the analysis demonstrates that although overall indicators suggest that shifts in selectorate composition have become less dramatic, this proliferated rather than reduced parties' uncertainty over the electoral outcome. The final section summarizes the findings and discusses their implications for recent proposals to reform the Estonian system.

Indirect presidential elections, their importance and analytical potential

Research on indirect presidential elections is still severely limited and largely has yet to be approached with the same rigour as popular presidential contests. On the most basic level this becomes apparent when surveying the literature on electoral systems that differentiates between up to five different procedures for popular presidential elections (Blais, Masicotte and Dobrzynska 1997; Colomer 2004; Borman and Golder 2013), while indirect presidential elections by parliament or electoral college are summarised in just one category. Thus, the – as of yet largely uncharted – diversity of rules and their consequences remains unappreciated.[2]

The majority of research on indirect presidential elections to date takes the form of predominantly descriptive case studies of individual elections (e.g. Billing 1995; Kopecky 2008; Gloe 2009) or historical overviews (Braun 1993; Henkel 2009; Nečas 2013) often written in the local vernacular. In addition, some information on the process and results of individual elections are included in case study collections (e.g. Ismayr

2010; Hloušek 2013) and country reports (e.g. by think tanks, political foundations or in the *EJPR Political Data Yearbook*). Nevertheless, apart from a few notable English-language examples (e.g. Huang 2002; Clementi 2014; Köker 2019), they are rarely subject to the same type of coverage as popular presidential elections.

Indirect presidential elections are far from unimportant or inconsequential – despite the lack of scholarly engagement with them. Presidents chosen in this manner are always more than mere figureheads and possess at least some discretionary power (Tavits 2008; Hloušek 2013; Köker 2017). Particularly the region of Central and Eastern Europe is abound with examples of indirectly elected presidents who used seemingly ceremonial powers to pursue their own goals (e.g. Vaclav Klaus' refusal to sign the EU Lisbon treaty; Linek and Lacina 2010). Furthermore, as agents of assemblies, their election has a decisive influence on their behaviour in office (Köker 2017; see also Oppeland 2001) and parties have a strong incentive to select a candidate who supports their political agenda (Elster 1997). Moreover, where supermajorities are required, indirect presidential elections become an important test for the cohesion of coalitions and established party alliances (Nikolenyi 2014),[3] and can easily cause long-term political deadlock.[4]

The design of indirect presidential election procedures has a significant impact on electoral outcomes. Nikolenyi's (2014) comparative analysis of indirect presidential elections in the Czech Republic, Estonia, Hungary, and Latvia – the only such examination to date – finds that governing coalitions are more likely to capture the presidential office when selection procedures for president and prime minister are (more) congruent. Crucially, this challenges the widely (if often only implicitly) held assumption that results of indirect presidential elections merely reflect the composition of the governmental majority. For instance, Sieberer assumes that 'the winning

candidate is usually backed by the cabinet' (2013, 518). Similarly, in their analysis of early government termination Schleiter and Morgan-Jones (2009) speculate that indirect presidential elections may be a reflection of 'the parliamentary balance of powers rather than changing it' (ibid.: 508). The contrast between these general assumptions and Nikolenyi's findings highlights that indirect presidential elections are far from straightforward and that there is a need to study in greater detail how parties compete over the presidential office in parliamentary systems.

The rules governing indirect elections not only affect electoral outcomes but also determine how parties approach them strategically. This is particularly highlighted by Lagerspetz' (1993; 1997) work on presidential elections in Finland, 1919-1982. During this period, Finnish presidents were elected by a popularly elected 300-strong electoral college. Although often described as a 'quasi-popular' presidential election, electors were not bound by the popular vote and voting was secret. Thus, the dynamics identified by Lagerspetz are equally relevant for presidential elections in parliament or other electoral colleges. Most prominently, the Finnish system was prone to agenda manipulation as 'surprise' candidates could be nominated in the college at any time (rather than already at the time of the college's election). Furthermore, parties with more than sufficient votes to have their candidate advance to a run-off could engage in coordinated preference falsification to propel a candidate into the run-off who was overall less preferred than any other competitor, i.e. a Condorcet winner may have been eliminated early on (Lagerspetz 1993; see also Felsenthal 2012).

Both Nikolenyi's (2014) and Lagerspetz' (1993; 1997) work provides promising analytical starting points for further study of indirect presidential elections. However, not all of their considerations are directly applicable to Estonia. For instance, while we can assume that formal rules are likewise significant for the party strategies and

electoral outcomes, the lack of a plurality run-off in Estonia considerably changes opportunities for strategic voting and agenda manipulation. Furthermore, although Nikolenyi (2014) provides an apt summary of Estonian presidential elections 1996-2011, he does not engage in-depth with the uncertainty associated with local councillors as electors in the electoral college. Last, neither author discusses the potentially conflicting principals and interests of electors, e.g. those of MPs and local electors in Estonia,[5] and Finnish electors' loyalty to promises made to voters over surprise candidates that were strategically introduced by party leaders. The next section therefore seeks to map the incentive structure of the Estonian system by going beyond its general deviation from prime ministerial selection rules and discusses the more specific opportunities and extent of uncertainty throughout the election process.

Mapping the incentive structure of the Estonian system

The Estonian presidency is one of the 'weakest' in regional and international comparison in terms of constitutional powers (Metcalf 2000). Nevertheless, due to its discretionary powers in government formation and appointments as well as a suspensive veto (that incumbents can turn into a judicial review request if overridden) presidents are far from being inconsequential actors. This is also evidenced by the conflicts between president and government that characterised the first decade of Estonian independence (Raun 2001) even if office-holders now almost only intervene to ensure the constitutionality of legislation (Köker 2017). Over the years, incumbents have also accumulated considerable informal power and tend to be seen as 'moral authority' figures. Hence, presidents can sometimes take a more central role in the country's politics than a cursory reading of constitutional stipulations may suggest.

Since 1996 Estonian presidents have been elected indirectly in either parliament or an electoral college. Thereby, the system is characterised by three particular features which determine the incentive structure for political parties:

(1) there is no plurality runoff or other safeguard against cyclical preferences, thus theoretically allowing for indefinite rounds of voting;
(2) multiple rounds of voting allow parties to update continuously their information on competitors' preferences and revise their strategies accordingly;
(3) the partisan composition and control of the selectorate differs greatly between parliament and electoral college, introducing new opportunities and varying levels of uncertainty.

The presidency was a major point of contention after the country regained independence in 1991. Although the constitutional assembly (1991-1992) eventually agreed on a strongly parliamentarian constitution, the first presidential election was partly held by popular vote due to public pressure.[6] The process for an indirect presidential election was described in the constitution, but only finalised with the passage of the President of the Republic Election Act (VPVS 1996; see Figure 1). The election starts in the Riigikogu (unicameral parliament), where a candidate requires a 2/3-majority of MPs (68 of 101) to be elected. If MPs fail to elect a candidate in three consecutive rounds (the third round only includes the frontrunners of the second round), the election is transferred to the Valimiskogu (electoral college). The latter consists of the 101 members of parliament and over 230 representatives of local government councils[7] who have two rounds to elect a president with an absolute majority of members; the second round only includes the frontrunners of the first round. Failing

that, the election is handed back to parliament, which has only happened once so far (see below).

[FIGURE 1 ABOUT HERE]

The requirement of absolute and super-majorities throughout the process presents a major obstacle to parties. Even majority governments need the support of further parties to elect a candidate in parliament and alternative majorities are unlikely. There is also little incentive for all coalition partners to act in concert as their support for a joint candidate in parliament is of no consequence. Furthermore, although the third round in parliament only includes the front-runners of the second round, it creates no incentives for cooperation or strategic behaviour. The failure of any candidate to achieve the required majority only transfers the election to the electoral college, offering parties whose candidate was not included a new chance. Thus, MPs will rather abstain than support a less-preferred candidate; similarly, preference falsification to manipulate the candidate field in the third round is not a worthwhile strategic behaviour. Given that the election in parliament is held over the course of two days, parties will also update their strategies in accordance with results. Parties should only cooperate at the first stage if they feel that the different composition of the electoral college would provide a less favourable environment, or if they represent less than a third of MPs and are thus unable to block an election in parliament on their own.

The transfer of the election to the electoral college is then more than a mere continuation of the election but places it into a new bargaining environment. MPs are now outnumbered by local electors and hold less than a third of votes. Although a considerable share of local electors holds membership in one of the parliamentary

parties, local electors with such partisan ties are still primarily agents of local electorates and councils. Furthermore, a great number of councils, particularly those nominating only one elector, appear to choose electors based on who they will support in the electoral college. Local electors may thus still feel obliged to act primarily in accordance with their local principals rather than national party interests. Hence, the potential to exert control by national party leadership is lower and leaders will find it difficult to enforce voting discipline or enter substantial negotiations as they cannot be sure of the exact size of their support base. This situation shows notable parallels to voting behaviour of MEPs, who must decide between acting in accordance with interests of national parties or cross-national party groups in the European Parliament (cf. Hix 2002).

The electoral college provides slightly greater opportunity for agenda manipulation than the election in parliament. Although the final two candidates from parliament are automatically transferred to the college, groups of at least 21 MPs and/or local council electors can torpedo party strategies by nominating new candidates (or re-nominating those that were eliminated in parliament). However, greater uncertainty over electors' preferences and the lowered majority requirement compared to parliament mean that falsification of preferences, i.e. strategically voting for a less-preferred candidate to eliminate a Condorcet winner, is once again hardly a viable strategy. It may even backfire by eliminating one's most preferred candidate. If no candidate is elected in the first round, inter-party negotiations are only promising if there is a clearly identifiable and disciplined group that could push one of the frontrunners over the 50%+1 mark. Otherwise, the lack of a plurality run-off once again means that there is almost as little incentive for parties to cooperate as in the last parliamentary round.

Finally, formal rules are not the only factors determining the incentive structure of the election. Indirect presidential elections do not take place solely in the confines of parliament (or electoral college) but their course and results are observed by the wider electorate. Thus, they present an opportunity for parties to present themselves in a favourable light and send signals to their voters (cf. Keh 2015; Sieberer 2013). Furthermore, the relatively weak position of the Estonian presidency in everyday politics means that the substantive policy-orientation of candidates is not as important to parties as their promise not to interfere in the policy process (cf. Elster 1997). Given that there has also been sizable support for the introduction of popular presidential elections since the 1990s (Raun 1997), parties may be tempted to present candidates popular with the general population in order to increase pressure on others to vote for their nominee. This applies most to parties whose candidate is unlikely to emerge victorious in any case and that can subsequently reap the benefits of blaming other parties for denying the public 'their' candidate. Considerations about the publicity potential of the election are thus equally important for party strategies as formal rules (cf. Köker 2019).

From exception to the rule: Estonian presidential elections, 1996-2016

Few presidential elections in Estonia have been without surprises and complications. In every election so far, parties have (usually unsuccessfully) tried to agree on a joint candidate that could be elected in parliament. Nevertheless, the success of such endeavours was regularly hindered by individual parties in government or opposition that saw greater benefits in forcing an election in the electoral college and only nominated their main candidates at this later stage. Since 1996, election in the electoral college has thus been the norm rather than the exception. Furthermore, each election

impinged on the current political situation, bringing conflicts into the open and even contributing to the downfall of governments. This section examines the elections, 1996-2016, as part of an analytical narrative that highlights in particular the complications arising from the lack of a plurality run-off and the continuous revisions of party strategies. To aid the analysis, a comprehensive summary of results is available in Table 1.

[TABLE 1 ABOUT HERE]

1996. In the first entirely indirect presidential election a two-thirds majority in parliament for any candidate was unlikely from the start. The government failed to agree on a joint candidate – the Reform Party (RE) supported incumbent Lennart Meri, the Country's People's Party (EME) supported 1992 runner-up Arnold Rüütel, and the Progress Party (AP) as well as the Coalition Party (EK; the largest party group) did not nominate any candidate. This split should prove indicative of further disagreements in the coalition as the RE left the government only two months later. Pro Patria (IL) had nominated Meri for his first term, yet refused to support him due to his frequent activism (Tavits 2008: 62), so that both Meri and Rüütel were dependent on opposition MPs to secure their nomination. During the three rounds in parliament, MPs rather abstained or failed to show up instead of supporting either candidate. The different composition of the electoral college then allowed IL to nominate its own candidate, Tunne-Väldo Kelam, who subsequently came close to preventing Rüütel from advancing to the second round. This, together with the fact that two further candidates were introduced (one by local electors alone and one in collaboration with MPs), highlights not only the uncertainty introduced by the change of bargaining environment but also the incentives for parties to wait for more favourable conditions in the electoral

college. Eventually, Meri and Rüütel went head to head once again and Meri was elected for a second term.

2001. A split in the government coalition and an unusually united opposition made an election in parliament unlikely once again (Huang 2002). The Moderate's (MD) nomination of their party leader Andres Tarand was not supported by its coalition partners (IL and RE) and as more than a third of opposition MPs supported the nomination of Centre Party (KE) MP Peeter Kreitzberg, an election in parliament was impossible. In the electoral college an alliance of 68 local electors and 10 MPs from six different parties surprisingly nominated Arnold Rüütel, whereas the RE used its increased presence in the electoral college to nominate speaker of parliament, Toomas Savi. The new candidates beat out those still nominated in parliament, highlighting once again the effects of a changed bargaining environment and the fact that parties have little incentive to cooperate in parliament if they can field their own candidate in the college. The last round, which Rüütel won with a razor-thin majority, underscores the danger of cyclical preferences as part of the system. Had only three more electors abstained or voted for Savi, the election would have gone back to parliament. Given the loss of partisan control in the college, it could be asserted that it is thanks to pure coincidence that a president was elected in this instance. Moreover, Rüütel's victory provides a striking illustration of how the principal-agent relationship between local councils and their electors trumped national party goals. 196 of the 266 electors represented municipalities of less than 3,000 voters which would have been abolished or transformed under government plans (Huang 2002) – voting for the more regionally-oriented opposition candidate Rüütel was thus clearly an expression of local interests. Last, the election proved to be a catalyst in the downfall of the government as the failure

to agree on a joint candidate exacerbated other conflicts between governing parties (Köker 2017: 96).

2006. After the lengthy two-stage elections in 1996 and 2001, parties tried to agree on a joint candidate in all-party talks. Yet, after the KE founds its potential candidates eliminated as part of the negotiations, it joined forces with the People's Union (RL) and blocked a two-thirds majority for speaker of parliament, Ene Ergma, as well as for Social Democratic Party (SDE) MEP Toomas Hendrik Ilves (Pettai 2007). As both parties supported Rüütel's re-election, the electoral college provided a much more favourable environment. KE and RL had done well in the 2005 local elections and thus held almost 40% in the electoral college, so that Rüütel was eventually nominated by 158 of 347 electors (45.5%). Yet, parties were very aware of the uncertainty posed by electors not under direct partisan control, as evidenced by the fierce conflict over two disqualified electors (Pettai 2007) who would have added one seat each to RL and RE. This fear proved right after Rüütel only gained four additional votes while Ilves won with just one vote above the absolute majority required – a fact later seen as having contributed to the RL's poor performance in the 2007 parliamentary elections (Pettai 2008) and subsequent demise. Similarly to the 2001 election it is unlikely that avoiding a return to parliament was due to parties' strategic behaviour rather than mere luck.

2011. The 2011 presidential election is the only occasion to date where a presidential candidate received a two-thirds majority in parliament right away. The government parties RE and Pro Patria and Res Publica Union (IRL) as well as Ilves' former SDE (which had been a coalition partner of RE and IRL until 2009) held 75 of 101 seats and supported his re-election. Although the KE surprisingly nominated independent MEP Indrek Tarand and neither candidate received the full support of their respective party

groups, Ilves was re-elected without problems (Sikk 2012). There are several factors that facilitated compromise on this occasion but not on others. First, parliament was composed of just four parties, so that party preferences were easy to ascertain from the start. Second and just as importantly, in contrast to previous elections a two-thirds majority was possible, so that incentives for cooperation were higher than ever. Thereby, KE's surprise nomination cannot be seen as a serious attempt to block Ilves' re-election, but rather an attempt to benefit from increased publicity. Finally, Ilves as president had been much less activist and confrontative than his predecessors Meri and Rüütel (Köker 2017: 106) who had subsequently had greater problems in rallying parties behind them (see e.g. IL's refusal to re-nominate Meri). This would suggest that behaviour in office rather than incumbency as such helped facilitate compromise.

2016. The presidential election of 2016 has been the most lengthy and complicated one to date. Once again, no clear majority emerged and the government parties (RE, IRL and SDE) failed to agree on a joint candidate – RE and SDE nominated speaker of parliament Eiki Nestor (SDE) for the first round and former prime minister and EU commissioner Siim Kallas (RE) for the second. The KE nominated its deputy leader Mailis Reps and the IRL joined forces with the Free Party (EVA) to nominate former Chancellor of Justice Allar Jõks. Predictably, none achieved even a 50% majority and parties hedged their bets on the electoral college. As only Reps' and Kallas' candidacies were automatically transferred, RE and EVA once again nominated Jõks, while the Conservative People's Party (EKRE) nominated its leader Mart Helme, having failed to collect enough nominating signatures in parliament. In a surprising twist, non-partisan Marina Kaljurand (who had previously been the public's preferred candidate) shook up the candidate field by stepping down as foreign minister and announcing her candidacy

(supported by 22 local electors and 4 SDE MPs). Thus, not only did parties rely on local electors to nominate their candidates but local electors also became active themselves.

In the first round all candidates (except Helme) were neck-to-neck. Kallas and Jõks (rather than the surprisingly third-placed Kaljurand) entered the second round, yet parties and local electors were clearly unsatisfied with either option. The constellation of parties in the college also made it impossible to conduct any meaningful negotiations. Even in the highly unlikely scenario that either Kallas' or Jõks' camp had been able to win the support of one of the eliminated candidates, they could not have crossed the absolute majority threshold without additional votes. Given the difficulty of imposing any kind of voting discipline and the fact that according to a survey of electors Reps and Kaljurand were overall favoured as second choices (ERR 2016b), it is not surprising that neither candidate received the required majority and the vote was handed back to parliament.

In parliament, all previous candidates were considered 'burned' and also showed no interest in being nominated again. Hence, voting theories would have predicted a continuation of the election in which parties gather new information on each other's preferences and hope to use the uncertainty of the electoral college to their advantage once again. Yet, public pressure and attempts to contain the damage to their public image now trumped self-interested behaviour by political parties, highlighting the importance of factors beyond formal rules in shaping the system's incentive structure. Eventually, all parties bar the EKRE agreed to nominate non-partisan Kersti Kaljulaid, a former member of the European Court of Auditors, who was then elected in the first round. Despite this ostensibly conciliatory ending, the election once again revealed deep-seated conflicts between coalition partners. Likewise, it demonstrated the loss of authority of the RE as the leading party and presented the KE as a potential alternative

that had been hitherto snubbed by other mainstream parties (Mölder 2017). Only a month after Kaljulaid's election, the government lost a vote of confidence and was replaced by a new coalition under KE leadership.

In sum, the system provided little incentive for parties to make serious attempts at electing a president in parliament. In addition, conflicts between governing parties in seeking to agree on a joint candidate regularly amplified existing conflicts and led to the downfall of more than one government, highlighting the political significance of indirect presidential elections beyond the mere selection of a new head of state. On the whole, parties rather chose to face the uncertainty of the electoral college where they – outnumbered by local electors not under party whip – subsequently had little control over the result. It was only in 2011 that parliament's partisan composition and low fragmentation allowed for an election in the first round of voting. Therefore, the next section now turns to the shifts in partisan composition and control of the selectorate from parliament to electoral college and analyses the power of local electors in the process.

Shifts in partisan composition and control of the selectorate and the role of local electors

The change in the partisan composition from parliament to electoral college created specific opportunities for parties – to see a candidate elected who would not have gained a majority in parliament, or to manipulate the agenda in their favour by nominating additional candidates. At the same time, the majority of local electors experienced conflicting loyalties between local and national principals which introduced varying levels of uncertainty. Last, electors repeatedly became a force to challenge the dominance of political parties by rejecting the choices put before them or by nominating their own candidates.

Until now, the vast differences in the composition of the electoral college compared to parliament were alluded to (e.g. Huang 2002; Lagerspetz and Maier 2010; Pettai 2007; Pettai, Toomla and Joakit 2008), yet not precisely measured. In contrast, this section relies on an original individual-level data set on the partisan allegiances and preferences of over 500 MPs and 1,000 local council electors, allowing for a considerably more nuanced analysis. The basis of the data set are lists of local electors obtained from the Estonian Electoral Commission (VVK n.d.). In several steps, these were matched with the VVK's local elections data base (giving electors' municipality and local party affiliation) and compared to party lists in the preceding parliamentary election and the national party membership data base (revealing potential simultaneous national party affiliations) before being complemented by information about local council offices (i.e. chair/deputy chair). MPs' party affiliation was inferred from voting records at the time of the election to capture any changes since the last legislative elections. Last, the names of MPs and local electors were cross-referenced with signatures on nomination forms for individual candidates obtained from the VKK.

Shifts in the partisan composition and loss of control by parliamentary parties

The transfer of the presidential election from parliament to the electoral college not only lowers the majority required to elect a candidate, but also ensures that a differently composed selectorate chooses the president. Thus, a shift away from the exclusive control MPs and parliamentary parties was intentional. However, this shift has been exacerbated by the fact that Estonian local politics has long been structured by local electoral alliances, not competition between large national parties (see Pettai, Toomla and Joakit 2008). Table 2 illustrates shifts in the partisan composition and control between parliament and electoral college using two measures: (1) the effective number

of parties N_p (Laakso and Taagepera 1979), capturing the varying differences in the fragmentation of parliament and electoral college, and (2) Pedersen's (1979) index of electoral volatility V_p, gauging – somewhat experimentally – the relative loss of control by parliamentary parties.

[TABLE 2 ABOUT HERE]

Similarly to other Central and East European countries, Estonia's parliament was highly fragmented throughout the 1990s. Although fragmentation decreased over time, parliament still contained 9.37 effective parties at the time of the 1996 presidential elections. Nevertheless, the party landscape was even more diverse at the local level so that the first electoral college counted an astronomical number of effective parties (N_p=66.48, more than seven times that of parliament). This mismatch was still present in the 2001 elections, albeit strongly reduced. From 2006 onward the fragmentation of parliament was then largely mirrored in that of the electoral college.[8] The decrease in fragmentation was only partly matched by a decrease in volatility between parliament and electoral college – volatility exceeded 60% in 1996 and 2001 and was reduced by half over time, whereas fragmentation decreased six-fold.

The drastic decrease in the electoral college's fragmentation and volatility was largely due to a lower number of electors from local lists and alliances. However, this was not a 'natural' development but part of a conscious effort by national political parties to consolidate and enhance their own position. Triggered by the unpredictability and power exhibited by local electors in the 2001 presidential elections, national parties twice tried to outlaw local electoral alliances altogether. Although both attempts were overturned by the Supreme Court, they significantly weakened alliances and helped

national parties to permeate local party competition (Pettai, Toomla and Joakit 2008). Additionally, these changes went hand in hand with a territorial reform that decreased the overall number of local electors. Hereby, a number of smaller municipalities was merged, yet without increasing their size so much that it would have granted them additional (or at least the same number of) electors.

The decrease in fragmentation and volatility as well as parties' conscious efforts to weaken local alliances notwithstanding, it failed to decrease bargaining costs or uncertainty for political parties. On the one hand, the lower fragmentation in the electoral college was linked to the simultaneous emergence of larger and more united local groupings. These controlled seat shares similar to those of some smaller parliamentary parties so that national parties could no longer determine the agenda on their own – something that had largely still been possible in the 1996 and 2001 elections. On the other hand, the greater dominance of national parties meant that the electoral college began to exhibit almost the same conflict lines as the election in parliament. Thus, although the college was designed to break deadlocks arising from everyday national politics, it started to merely replicate them.

The role and power of local electors

The role and power of local electors in the Estonian is primarily characterised by two aspects: party leaders' uncertainty of their preferences and voting behaviour, and electors' right to nominate additional candidates. The first aspect is particularly interesting because individual electors, although elected as part of local lists/alliances and representing these in the electoral college, often held membership in national political parties at the same time. In contrast, the second aspect relates more to strongly to electors' ability to manipulate the agenda and cooperate with smaller national parties

whose candidates would have had no chance in parliament.

Local electors in the college, particularly those from local lists and alliances, felt conflicted between local and national pressures, which was most clearly demonstrated in the case of the 2001 election. Therefore, party leaders' potential to exert pressure on electors was limited and affiliation in national parties did not significantly reduce the uncertainty and costs associated with organising majorities for political parties. In fact, less than a quarter of all local electors 1996-2016 had run for national office and all but a handful had done so for the (national) party they represented in the electoral college. Thus, party leaders could not easily bait electors, e.g. through offering (better) list placements in the next parliamentary election. The exact degree of party leaders' uncertainty over local electors' voting behaviour is difficult to ascertain from the outside (and would certainly merit further research). Nevertheless, the conscious efforts of national parties to abolish local alliances (cf. Pettai, Toomla and Joakin 2008) can be interpreted as evidence that such uncertainty was far from negligible.

Local electors (passively) gained further weight through the unpredictability of their selection. Until legislation was passed in 2010 (ERR 2010) councils did not follow a uniform set of rules when selecting electors and often did so only a few days before the convention of the college. This severely hampered party leaders' ability to coordinate a majority for their preferred candidates and forced them adjust their strategies under time pressure. While about 60% of local councils since 2001 nominated the council chairperson,[9] this did little to reduce uncertainty – council chairs were even less likely to be part of national parties and thus potentially felt more strongly obligated to follow local interests.

Since the first election, local electors have been a force of their own when it came to influencing the *process* of electing a president – even if it only became most

visible in the last election. While they were always important by virtue of their numbers (outnumbering MPs by 1:2.3 in 2016, down from 1:2.7 in 1996), they faced high coordination costs in the early years. Nevertheless, except for the candidacies of Arnold Rüütel in 2006 and Allar Jõks in 2016 (who also had a sufficient number of MPs to support their nomination), local electors were either the sole driver or otherwise crucial to nominating additional candidates in the electoral college (Table 3).

[TABLE 3 ABOUT HERE]

The great power wielded by local electors independently of political parties became particularly evident in 2016. First, local electors were the driving force in renominating Allar Jõks (who, however, also received support from 21 MPs) and putting EKRE leader Mart Helme on the ballot. Second, and perhaps more importantly, local electors were key to nominating Marina Kaljurand, whose quasi-independent candidacy introduced a novelty to Estonian presidential elections. Although politicians had previously publicly declared their readiness to run for president, none had taken it upon themselves to seek out support for their nomination, but rather waited for political parties to consider their candidacy. Third and last, the failure of the electoral college to elect a candidate among the two front-runners can – as outlined above – largely be attributed to the preferences of local electors.

Overall, one can assert that although overall indicators suggest that shifts in selectorate composition have become less dramatic and parties retained greater control, this proliferated rather than reduced uncertainty over the electoral outcome and vested local electors with greater power. The more equal distribution of parties' strength in parliament and electoral college reduced their capability to present candidates with a credible chance

of capturing the presidency. Paradoxically, the greater permeation of local politics by national parties placed even greater power in the hands of electors representing local lists and alliances who subsequently acted in accordance with a different set of preferences.

Discussion and Conclusion

Estonia is a crucial case for the analysis of indirect presidential elections – both in the post-communist context and in comparative perspective. It not only demonstrates that indirect presidential elections are far from a straightforward affair and outcomes rarely reflect the parliamentary balance of power, but allows for assessing the effects of formal and informal institutions on party strategies. Although the overall design of the Estonian system may be somewhat unique, it still combines a number of common characteristics that can be found across other parliamentary republics, thus providing promising starting points for future research and comparison. Lastly, given current efforts to change the system after the failure to elect a new president over five rounds in 2016, the case of Estonia also has a particular contemporary relevance.

The analysis of presidential elections 1996-2016 in this study showed that the requirement for supermajorities throughout the process provided a major obstacle for parties. In particular, it minimized incentives to make serious attempts at electing a president in parliament. Rather, parties chose to face the uncertainty of the electoral college where they – outnumbered by local electors not under party whip – subsequently had little control over the result. Here, electors from local lists and alliances felt torn between local and national interests. Thus, although overall indicators suggest that shifts in selectorate composition became less dramatic – in part thanks to national parties' attempts to bring local politics under their control – this proliferated rather than reduced uncertainty over the electoral outcome and provided local electors with greater agency. In the end, presidential elections not only became a catalyst for

coalition conflict, accelerating the downfall of several governments, but the electoral college was often unable to break deadlocks arising from national politics.

The results of study now also allows us to critically review recent proposals to reform the Estonian system. Thereby, the key question is whether such reforms would provide greater incentives for cooperation between parties and, more importantly, will prevent cyclical preferences. Plans currently debated in parliament envisage the electoral college as the sole electoral body (ERR 2017) – this would simplify the process to the extent that parties could focus on a single electoral body and remove the (largely inconsequential) posturing during the first three rounds in parliament. Nevertheless, it would not necessarily increase incentives for cooperation. Furthermore, plans also foresee an increased dominance of local electors in the process – 422 local electors plus 101 MPs – whose numbers would otherwise have been reduced to 107 due to administrative reform (ibid.). A greater number of local electors (and the proposed minimum of two per municipality) may increase national party dominance and, as a consequence, reduce the unpredictability of the election. However, groups of local electors would still be able propose their own candidates and parties may struggle to agree on common candidates if the college replicates the fault lines of national politics.

The lack of a natural endpoint remains the greatest problem of the Estonian system. Therefore, the proposal to hold a sequence of five rounds including a final run-off in the new and enlarged electoral college seems particularly promising (ERR 2017). Five rounds would provide a fairer process of reducing the number of candidates step-by-step and allow parties to revise and negotiate (joint) strategies in a more orderly fashion. Research on direct presidential contests also shows that parties will rather cooperate when faced with a relative majority threshold, than with an absolute majority requirement (Pérez-Liñán 2006). Most importantly, a run-off would ensure that a

president would be elected in the end. Nevertheless, the final run-off remains one of the most controversial aspects of the reform proposals (along with the suggestion to limit incumbency to a single seven-year term). In particular, politicians and experts alike seem to feel that a – potentially small – relative majority may not provide a president with sufficient legitimacy (see e.g. Kilp 2016). However, no other solutions to the problem of indefinite rounds of voting have been proposed. Based on the findings of study, it appears likely that if parties fail to instate a run-off, deadlocks and cyclical preferences are likely to return as part of the reformed system.

There is yet too little (comparative) research that would allow for further recommendations. Nevertheless, the analysis of the Estonian case and current debates still help to formulate a research agenda on indirect presidential elections. First, future research needs to address the effects of run-offs on electoral outcomes. For instance, Germany has (re-)elected all but one of its presidents since 1949 with a 50%+1 majority despite employing a run-off in a college composed of MPs and state electors – yet, the question remains whether this is due to formal rules or other factors. Second, it is uncertain whether other measures could incentivise political parties to agree on a candidate under absolute/supermajority requirement, such as the threat of parliamentary dissolution in case of an unsuccessful election (as is the case in Greece or Kosovo). Third and most importantly, any research seeking to understand indirect presidential elections and to formulate empirically substantiated reform proposals first requires a more comprehensive mapping and comparison of procedures and their incentive structure. Only this would allow us to connect the study of indirect presidential elections with that on other single-winner electoral systems (e.g. Felsenthal 2012), and to gauge whether procedures found in other countries may provide a solution to problems found in Estonia or elsewhere.

Notes

[1] Germany and India also include electors in the process that are not members of national parliaments, whereas Albania and Italy likewise lack a plurality run-off; furthermore, the vast majority of indirect presidential elections consist of at least three rounds of voting.

[2] For instance, parliamentary republics in the EU alone (Estonia, Germany, Greece, Hungary, Italy, Latvia, and Malta) all use systems that differ at least in one of either selectorate composition, majority requirements, or number of rounds (Sikk 2006).

[3] Conversely, they can also provide an opportunity to test out new coalitions (Sieberer 2013).

[4] Recent examples of this are the failure of to elect presidents in Moldova, 2009-2012, or Lebanon, 2014-2016.

[5] Or lower house deputies and senators in the Czech Republic (1993-2008).

[6] A candidate needed 50%+1 of votes to win in the first round, but a runoff would be held in parliament if no candidate received a majority (Taagepera 1994).

[7] Municipalities send one to ten electors based on size; the total number of electors decreased from 273 in 1996 to 234 in 2016 to due territorial reform (see also Table 1).

[8] While it is not possible to simulate the exact composition of a potential electoral college for 2011, its fragmentation probably would have been similar to that of 2006 (lower fragmentation of parliament coupled with heavy losses for RL in the 2009 local elections).

[9] 164 of 254 councils nominated their chairperson in 2001, 128 of 232 in 2006, and 136 of 213 in 2016.

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Table 1. Candidates and results in Estonian presidential elections, 1996-2016

Year	Candidates	Supporting parties	Parliament						Electoral College			
			1st round		2nd round		3rd round		4th round		5th round	
			Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
1996	Lennart Meri	MD, RE*	45	44.6	49	48.5	52	51.5	139	37.2	196	52.4
	Arnold Rüütel	EME*, PRL, ML	34	33.7	34	33.7	32	31.7	85	22.7	126	33.7
	Tunne-Väldo Kelam	IL, various [a)]							76	20.3		
	Enn Tõugu	various [b)]							47	12.6		
	Siiri Oviir	local electors							25	6.7		
	Invalid votes		2	2.0	1	1.0	1	1.0			6	1.6
	Abstentions/blank votes		14	13.9	12	11.9	11	10.9			44	11.8
	Missing MPs/Electors		6	5.9	5	5.0	5	5.0				
	Total		101	100	101	100	101	100	374	100	374	100
2001	Peeter Kreitzberg	KE, EK, RL	40	39.6	36	35.6	33	32.7	72	19.6		
	Andres Tarand	MD*, various [c)]	38	37.6								
	Peeter Tulviste	IL*, various [c)]			35	34.7	33	32.7	89	24.3		
	Arnold Rüütel	RL, various [d)]							114	31.1	186	50.7
	Toomas Savi	RE*							90	24.5	155	42.2
	Invalid votes				1	1.0					2	0.5
	Abstentions/blank votes		13	12.9	19	18.8	24	23.8	1	0.3	23	6.3
	Missing MPs/Electors		10	9.9	10	9.9	11	10.9				
	Total		101	100	101	100	101	100	367	100	367	100
2006	Ene Ergma	RP, KE, RL, SDE* [e)]	65	64.4								
	Toomas Hendrik Ilves	SDE*; RP, KE, RL [e)]			64	63.4	64	63.4	174	50.4		
	Arnold Rüütel	RL various [e)]							162	47.0		
	Invalid votes								1	0.3		
	Abstentions/blank votes				1	1.0	1	1.0	8	2.3		
	Missing MPs/Electors		36	35.6	36	35.6	36	35.6				
	Total		101	100	101	100	101	100	345	100		

Table 1. Candidates and results in Estonian presidential elections, 1996-2016 (continued)

Year	Candidates	Supporting parties	Parliament 1st round Votes	%	2nd round Votes	%	3rd round Votes	%	Electoral College 4th round Votes	%	5th round Votes	%
2011	Toomas Hendrik Ilves	RE*, IRL*, SDE	73	72.3								
	Indrek Tarand	KE	25	24.8								
	Invalid votes		2	2.0								
	Abstentions/blank votes		1	1.0								
	Missing MPs/Electors											
	Total		101	100								
2016 (1)	Eiki Nestor	SDE*, RE*	40	39.6								
	Mailis Reps	KE	26	25.7	32	31.7	26	25.7	79	23.6		
	Allar Jõks	IRL*, EVA	25	24.8	21	20.8			83	24.8	134	40.0
	Siim Kallas	RE*, SDE*			45	44.6	42	41.6	81	24.2	138	41.2
	Marina Kaljurand	various g)							75	22.4		
	Mart Helme	EKRE							16	4.8		
	Invalid votes										3	0.9
	Abstentions/blank votes		8	7.9	1	1.0	30	29.7			57	17.0
	Missing MPs/Electors		2	2.0	2	2.0	3	3.0	1	0.3	2	0.6
	Total		101	100	101	100	101	100	335	100	335	100
2016 (2)	Kersti Kaljulaid	RE*, SDE*, IRL*, KE, EVA	81	80.2								
	Invalid votes											
	Abstentions/blank votes		17	16.8								
	Missing MPs/Electors		3	3.0								
	Total		101	100								

Notes: The candidate's party is underlined; * denotes government party; a) including 4 independent MPs; b) including individual EK and AP MPs; c) nomination forms for Tarand and Tulviste were co-signed by a handful of MD and IL MPs, respectively; d) including 1 MD MP and four KE MPs in addition to local electors; e) nomination forms signed by the majority of these parties' MPs; f) in addition to 122 local electors this included individual MPs from RE, RL, RP and SDE; g) this included 4 SDE MPs. For party abbreviations see Table 2.
Source: VVK (n.d.); Huang 2002; Pettai 2007; Sikk 2012; Sikk 2018.

Table 2. Shifting selectorate composition between parliament and electoral college, 1996-2016

		Parliament		College		Difference
Year	Party	Total	%	Total	%	
1996	Koonderakond - EK (Coalition Party)*	19	18.8	25	6.7	-12.1
	Reformierakond - RE (Reform Party)*	17	16.8	17	4.5	-12.3
	Isamaaliit - IL (Pro Patria)	9	8.9	17	4.5	-4.4
	Keskerakond - KE (Centre Party)	9	8.9	10	2.7	-6.2
	Maarahva Erakond - EME (Country People's Party)*	8	7.9	8	2.1	-5.8
	Arengupartei - AP (Progress Party)*	7	6.9	7	1.9	-5.1
	Maaliit - EML (Rural Union)	7	6.9	7	1.9	-5.1
	Mõõdukad - MD (Moderates)	6	5.9	6	1.6	-4.3
	Pensionäride ja Perede Liit - PRL (Pensioner's & Family League)	6	5.9	6	1.6	-4.3
	Vene fraktsioon (Russian faction)	6	5.9	6	1.6	-4.3
	Non-affiliated/independent	7	6.9	28	7.5	+0.6
	Local lists & non-parliamentary parties			237	67.4	+63.4
	Total	101	100	374	100	
		N_P = 9.37		N_P =66.48		V_P = 64.0
2001	Keskerakond - KE (Centre Party)	28	27.7	47	12.8	-14.9
	Isamaaliit - IL (Pro Patria)*	18	17.8	25	6.8	-11.0
	Reformierakond - RE (Reform Party)*	18	17.8	32	8.7	-9.1
	Mõõdukad - MD (Moderates)*	17	16.8	17	4.6	-12.2
	Rahvaliit - RL (People's Union)	7	6.9	7	1.9	-5.0
	Koonderakond - EK (Coalition Party)	6	5.9	6	1.6	-4.3
	Ühendatud Rahvapartei - EÜRP (United People's Party)	5	5.0	5	1.4	-3.6
	Non-affiliated/independent	2	2.0	3	0.8	-1.2
	Local lists & non-parliamentary parties			225	61.3	+61.3
	Total	101	100	367	100	
		N_P = 5.57		N_P =25.97		V_P = 61.3
2006	Res Publica - RP	25	24.8	38	11.0	-13.7
	Keskerakond - KE (Centre Party)*	21	20.8	57	16.5	-4.3
	Reformierakond (Reform Party)*	19	18.8	51	14.8	-4.0
	Rahvaliit - RL (People's Union)*	13	12.9	76	22.0	+9.2
	Isamaaliit - IL (Pro Patria)	7	6.9	12	3.5	-3.5
	Sotsiaaldemokraatlik Erakond - SDE (Social Democratic Party)	6	5.9	14	4.1	-1.9
	Non-affiliated/independent	10	9.9	11	3.2	-6.7
	Local lists & non-parliamentary parties			86	24.9	+24.9
	Total	101	100	345	100	
		N_P = 6.03		N_P =8.74		V_P =34.1

Table 2. Shifting selectorates between parliament and electoral college, 1996-2016 (continued)

		Parliament		College		Difference
Year	Party	Total	%	Total	%	
2011	Reformierakond - RE (Reform Party)*	31	30.7			
	Keskerakond - KE (Centre Party)	21	20.8			
	Isamaa ja Res Publica Liit - IRL (Pro Patria and Res Publica Union)*	20	19.8			
	Sotsiaaldemokraatlik Erakond - SDE (Social Democratic Party)	18	17.8			
	Non-affiliated/independent	11	10.1			
	Total	101	100			
		N_P = 4.77				
2016	Reformierakond - RE (Reform Party)*	29	28.7	63	18.8	-9.9
	Keskerakond - KE (Centre Party)	27	26.7	57	17.0	-9.7
	Sotsiaaldemokraatlik Erakond - SDE (Social Democratic Party)*	15	14.9	45	13.4	-1.4
	Isamaa ja Res Publica Liit - IRL (Pro Patria and Res Publica Union)*	14	13.9	40	11.9	-1.9
	Vabaerakond - EVA (Free Party)	8	7.9	8	2.4	-5.5
	Konservatiivne Rahvaerakond - EKRE (Conservative People's Party)	7	6.9	10	3.0	-3.9
	Non-affiliated/independent	1	1.0	2	0.6	-0.4
	Local lists & non-parliamentary parties			110	32.8	+32.8
	Total	101	100	335	100	
		N_P =4.85		N_P =10.38		V_P =32.8

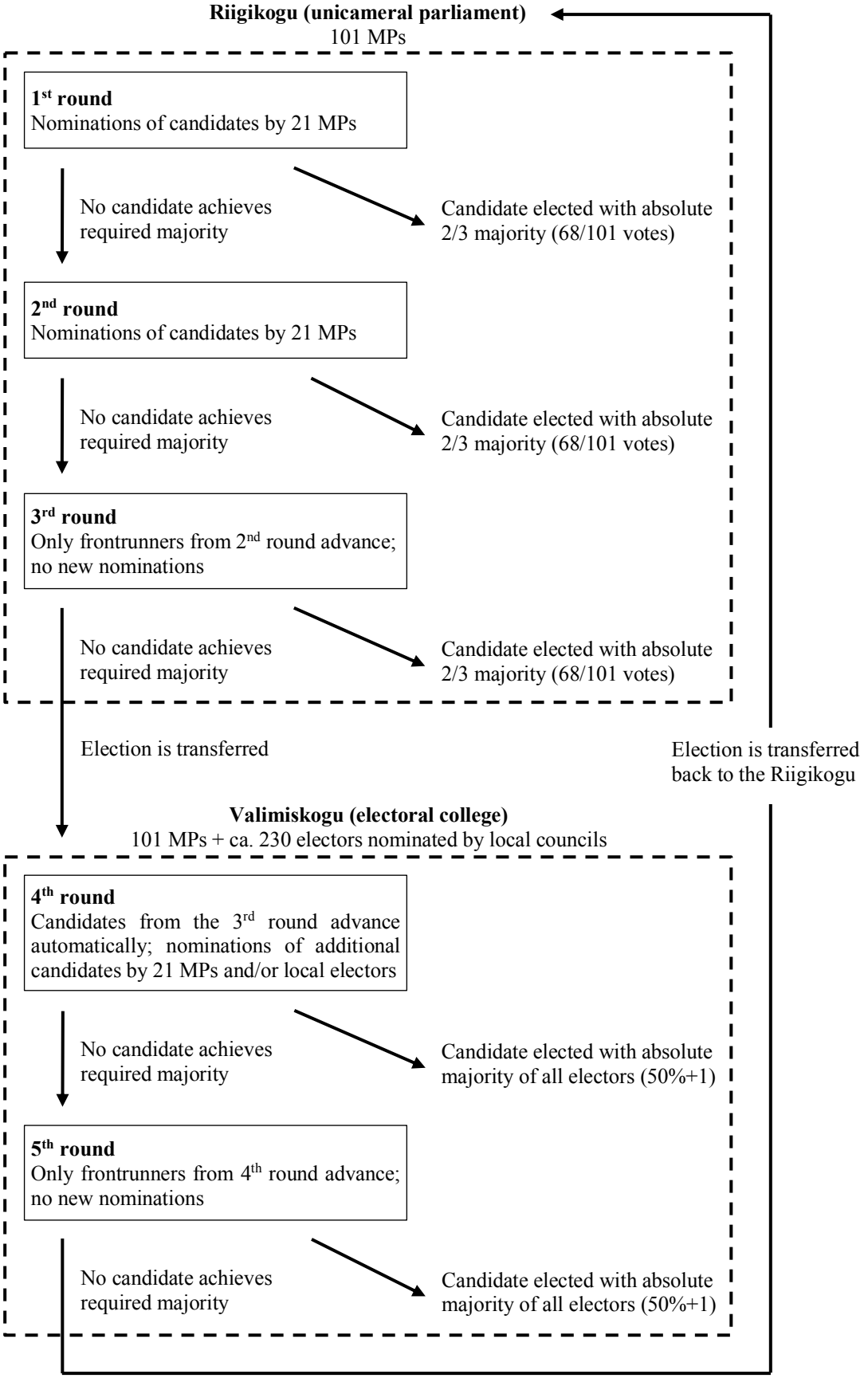
Notes: * denotes government party. N_P = Effective number of parties (Laakso and Taagepera 1979; independents treated as single-deputy parties); V_P = Pedersen's (1979) Volatility Index.
Source: VVK (n.d.); Sikk 2018.

Table 3. Electors' support for candidate nominations in the Electoral College

Year	Candidate	Number of electors supporting nomination		
		MPs	Local electors	Total
1996	Tunne-Väldo Kelam	12	28	40
	Enn Tõugu		21	21
	Siiri Oviir	9	14	23
2001	Arnold Rüütel	10	68	78
	Toomas Savi	18	38	56
2006	Arnold Rüütel	36	122	158
2016	Allar Jõks	21	29	50
	Marina Kaljurand	4	22	26
	Mart Helme	7	14	21

Notes: Support of a minimum of 21 MPs and/or local electors is required for a nomination in the electoral college.
Source: VVK (n.d.).

Figure 1. Procedure for electing the Estonian president



Source: Own figure based on VPSP (1996).