

Małgorzata Babula¹

Reflections on the Icelandic Local Elections of May 2022

Keywords: Iceland's legal order, Icelandic Electoral Code, Icelandic municipal elections.
Słowa kluczowe: porządek prawny Islandii, islandzkie prawo wyborcze, islandzka ordynacja wyborcza, islandzkie wybory samorządowe.

Abstract

The local elections held in Iceland in May 2022 were carried out in accordance with the provisions of the Electoral Code, which entered into force on January 1, 2022. This whiff of news also influenced the course of the elections, the result of which shows that Icelanders want change in local ranks, although the results for the city of Reykjavik may suggest the opposite². And it would seem that it would be possible to pass the local elections without deeper reflection, if not the fact that the political reshuffles at the local political scene surprised even the most interested. In the context of recent polls showing a strong interest in joining the EU, it seems that Iceland wants changes, the question is only about their direction. The aim of the article is to analyze the current changes compared to the local elections of May 14, 2022.

¹ ORCID ID: 0000-0001-5570-1814; Ph.D., WSPiA Rzeszów School of Higher Education. E-mail: malgorzata.babula@gmail.com.

² Ó.M. Jónsson, *Atkvæðum kastað á glæ?*, <https://www.visir.is/g/20222265612d/atkvaedum-kastad-a-glæ-> (20.05.2022).

Streszczenie

Refleksje na tle islandzkich wyborów samorządowych z maja 2022 r.

Wybory samorządowe przeprowadzone w Islandii w maju 2022 r. zrealizowane zostały według przepisów ordynacji wyborczej, która weszła w życie 1 stycznia 2022 r. Ten powiew nowości podziałał również na sam przebieg wyborów, których rezultat pokazuje, że Islandczycy chcą zmian w lokalnych szeregach, chociaż wyniki dla samego Reykjavíku mogą sugerować coś zupełnie odwrotnego³. I pozornie można by obok wyborów samorządowych przejść bez głębszych refleksji, gdyby nie fakt, że przetasowania polityczne na szczeblu samorządowym zaskoczyły nawet najbardziej zainteresowanych. W kontekście ostatnich sondaży, wskazujących na zdecydowane zainteresowanie przystąpieniem Islandii do UE, wydaje się, że Islandia chce zmian, pytanie tylko o ich kierunek. Celem artykułu jest analiza bieżących zmian na tle wyborów samorządowych z 14 maja 2022 r.

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I. Introduction

On January 1, 2022, a new Electoral Code entered into force⁴. It replaced four legal acts that had been in force so far: the Law on the Election of the President of Iceland⁵, the Law on Local Government Elections⁶, the Law on Elections to the Althing⁷ and the Law on the Holding of Referendums⁸. The Code introduced, i.a., a change in determining the date of the elections⁹, which will currently be held on the second Saturday in May, however not on the Saturday before Pentecost. If the local elections are held on Saturday preceding Pentecost, election day will be postponed by one week. The date of general elections is announced by the National Electoral Commission (established by the

³ Ibidem.

⁴ No. 112/2021; <https://www.althingi.is/lagas/nuna/2021112.html> (18.05.2022).

⁵ No. 36/1945; <https://www.althingi.is/lagas/150a/1945036.html> (18.05.2022).

⁶ No. 5/1998; <https://www.althingi.is/lagas/nuna/1998005.html> (18.05.2022).

⁷ No. 24/2000; <https://www.althingi.is/lagas/150a/2000024.html> (18.05.2022).

⁸ No. 91/2010; <https://www.althingi.is/altext/stjt/2010.091.html> (18.05.2022).

⁹ Electoral Code, Art. 24.

Code). The term of office of the local government hasn't changed and lasts four years. Taking into account the above-mentioned guidelines, local elections were held on Saturday, May 14, while pre-election voting was launched on April 15¹⁰. This year's turnout was one of the lowest in history (63%¹¹), but the result from the perspective of the entire State is very interesting¹². In a country where many important issues are resolved at the local government level, the reshuffles that have occurred may signal further changes that go beyond the local space. Therefore, it is worth taking a closer look at the recent elections and the choices made.

II. New Electoral Code in practice

The most important changes implemented with the entry into force of the Electoral Code include, respectively:

1. Establishment of the State Election Commission (SEC).
2. Lifting the rules:
 - a) proposing candidates (including the election lists and voting cards),
 - b) regarding election commissioners (as well as the roll of voters) and the appeal procedure,
 - c) participation of foreigners in voting,
 - d) voting (concerning contagious people, voting outside the polling station and voting with the participation of an assistant).

Ad. 1. The State Election Commission was established as an independent administrative commission to supervise the conduct of elections and the implementation of the Electoral Code. The SEC reports administratively to the minister responsible for election matters, and it is he who appoints five members of the SEC and the same number of their deputies. The term of office

¹⁰ Pre-election voting, carried out outside polling stations, must be launched no later than 29 days before election day.

¹¹ In the previous elections it was 68%. See: M. Adamsdóttir, *Frekwencja wyborcza spadła w całym kraju*, <https://www.ruv.is/frett/2022/05/20/frekwencja-wyborcza-spadla-w-calym-kraju> (20.05.2022).

¹² This is an increase of 8%. See: S. Halldórsson, *100 þúsund kjósendur sátu heima um helgina*, <https://www.visir.is/g/20222264104d/100-thusund-kjos-endur-satu-heima-um-helgina> (17.05.2022).

at the SEC lasts five years (with the rule of one member of the management board expiring every year). Three members of the board are elected by the Althing, including the chairman of the SEC, and two are appointed by the Union of Icelandic Municipalities. Deputies are selected in the same way. Members of the Management Board and their deputies should have experience and knowledge in election matters¹³. The tasks of the SEC include, among others:

- publishing announcements regarding the preparation, conduct and timing of elections,
- preparation of election documents (with the stipulation that SEC prepares voting cards that will be used to vote in parliamentary and presidential elections and referenda, and the cards for local elections are at the disposal of the Municipal Election Commission),
- cooperation with parties, NGOs and institutions in the preparation and conduct of elections, as well as announcing the election results¹⁴.

The State Election Commission shall submit an annual report on its activities to the minister, who shall submit this report accordingly to Althingi. SEC also runs an election portal of the Ministry of Justice, which provides practical information on the preparation and conduct of elections in Iceland and turnout, as well as tips on the right to vote¹⁵.

Ad. 2a. The Communal Central Election Commission shall convene representatives of the lists of candidates, no later than three days and four hours after the deadline for submitting candidatures, in order to submit a report on the examination of individual lists of candidates and their announcement¹⁶. Decisions about admitting candidates in local elections are taken by Municipal Commission. Appeals are made to the Appeal Committee Election (ACE)¹⁷. Each list of candidates is accompanied by confirmation of the registration of the political party¹⁸. The candidate's declaration and application

¹³ Electoral Code, Art. 12.

¹⁴ Ibidem, Art. 14 in conjunction with Art. 64.

¹⁵ <https://www.stjornarradid.is/verkefni/kosningar> (18.05.2022).

¹⁶ Electoral Code, Art. 46.

¹⁷ Ibidem, Art. 48.

¹⁸ The registration rules are laid down in the Act on the Activities of Political Associations, No. 162/2006, <https://www.althingi.is/lagas/nuna/2006162.html> (18.05.2022). See: Reglugerð um kjörgögn, atkvæðakassa o.fl. við kosningar, No. 388/2022, <https://www.stjornartidindi.is/Advert.aspx?RecordID=50ba078f-2cba-4830-b1ca-1b7578e9fb26> (18.05.2022) and, <https://>

may be signed electronically¹⁹. A newness is the introduction of the “square” on the ballot paper as the box appropriate for voting²⁰.

Ad. 2b. The changes extending to election commissioners concern the regulations on resignation from membership in the election commission²¹. Currently²² the subjective scope determining the possible necessity to resign from membership in the electoral commission has been extended. The issue of losing the seat related to the election was filtered and according to the current regulations, a candidate in the election cannot be elected to the election commission at all. According to the electoral law, the electronic register of voters will be the rule, but in the May local elections it has not been used yet. Election registers will be delivered in electronic form²³, and the obligation to print them rests with the communes. Election lists are published no later than 36 days²⁴ before election day. The reference date for the electoral roll is 12 noon, 38 days²⁵ before election day. Amendments to the electoral roll are introduced by the NRI, which is the addressee of any questions regarding the electoral roll. The decision may be appealed to the ACE, which examines complaints about the unlawfulness of local elections, other than criminal complaints. The deadline for submitting a complaint is 7 days from the announcement of the election results, while ACE adjudicates within four weeks of receiving the appeal, unless the matter is very complicated, then this period is extended to six weeks²⁶. The decisions of the ACE are final.

ACE consists of three members appointed by the minister for a 6-year term; the term of office of one member of the management board expires every 2 years. The composition is formed according to the following rules:

www.stjornarradid.is/verkefni/kosningar/sveitarstjornarkosningar-2022/ny-log-um-kosningar (18.05.2022).

¹⁹ Art. 2k The Act on the Activities of Political Associations.

²⁰ Art. 12 Regulation on ballot papers, ballot boxes, etc. for the purposes of elections.

²¹ See: <https://www.stjornarradid.is/verkefni/allar-frettir/frett/2022/04/13/Vanhaefi> (18.05.2022).

²² Electoral Code, art. 24.

²³ See: Reglugerð um kjörgögn, atkvæðakassa o.fl. við kosningar.

²⁴ So far it has been 30 days. See: Electoral Code, Art. 30.

²⁵ So far it has been 33 days. See: *Ibidem*, Art. 29.

²⁶ Electoral Code, Art. 128.

1. The Supreme Court of Iceland appoints the chairman of the commission who meets the conditions for the post of Supreme Court judge.
2. The University Cooperation Commission appoints one member of the commission who must pass an official exam or a master's degree examination in law and have experience in conducting elections.
3. The Union of Icelandic Municipalities appoints one committee member who should be experienced in conducting elections.

Ad. 2c. The rules governing the participation of foreigners in voting have changed. This amendment is more favorable than the existing provisions. The differentiation between Nordic citizens and other foreigners was maintained, but both groups of entities benefited in detail. Under the new regulations, citizens of Denmark, Norway, Finland and Sweden obtained the right to vote and stand for election already at the stage of registering their stay in the commune, while other foreigners acquire the right to vote and stand for election after three years of uninterrupted stay in Iceland (previously the threshold was 5 years), subject to other voting rights conditions.

The situation of Icelandic students is regulated separately. The provisions of the Electoral Code correspond here with the Act on the legal place of residence and stay²⁷, according to which, if the above-mentioned study abroad, then, in order to vote, they must apply for entry on the voter list in the commune of the last (before departure) registered place of residence²⁸.

Ad. 2d. The new regulations also changed the rules of voting outside the polling station. Currently, such a voting begins as soon as possible after the announcement of the lists of candidates, but no later than 29 days before the election day²⁹ and lasts until 5 pm on election day, but abroad must end the day before election day³⁰. On the basis of requests from the State Election Commission, the Minister issues an ordinance on the conduct of voting³¹ in health care institutions and nursing homes, institutions for the disabled and in prisons, if the voter cannot participate in the election meeting on the day

²⁷ No. 80/2018; <https://www.althingi.is/lagas/nuna/2018080.html#G9> (19.05.2022).

²⁸ Ibidem, Art. 9. The act also introduces time limits for legalizing such stayings.

²⁹ So far it has been 8 weeks.

³⁰ Electoral Code, Art. 68.

³¹ Ibidem, Art. 69 § 6.

of elections due to illness, disability or birth of a child³². The request for voting at home should be in writing, supported by a certificate of age, and must be submitted to the competent electoral commissioner no later than two days before election day. However, such voting may not take place until 21 days before election day. Another newness is the stipulation that voting outside the office may not be held at the candidate's home³³.

The proxy/assistant of the voter (it may also be the Chief Election Commissioner) has the right to be present at the polling station and sit at the polling station table. He also has the right to be present when voting outside the polling station, but may not take election documents outside the polling station, and otherwise make available information about what is happening at the place. The same applies to voting outside of the polling station³⁴. The provisions gave him the right to be present during the counting of votes, when collecting and opening the ballot box or when counting votes. Help can only be given if the voter can clearly explain to the helper how he wants to vote. An assistant voter is bound by secrecy and may not assist more than three voters in the same elections³⁵. The candidate, his spouse, children, siblings and parents may not assist in the vote³⁶. Details of the assistant's participation are laid down in the Voting Assistance Regulation³⁷.

If, the voter suffers from a serious contagious disease, the election commissioner, in consultation with epidemiological authorities, organizes voting outside the polling station. Voting may be refused if the epidemiological authorities deem that it will not be possible without endangering the health of the election commissioner or the public³⁸.

³² Ibidem, Art. 69 § 2.

³³ Ibidem, Art. 72 § 5.

³⁴ Ibidem, Art. 77 § 5.

³⁵ Compare: I. Stefánsson, *Fyrimælum reglugerðar ekki fylgt við kosningu utan kjörfundar*, <https://www.visir.is/g/20222265151d/fyrir-maelum-reglu-gerdar-ekki-fylgt-vid-kosningu-utan-kjor-fundar> (19.05.2022).

³⁶ Electoral Code, art. 89. See: <https://www.stjornarradid.is/verkefni/allar-frettir/frett/2022/05/12/Adstod-vid-atkvaedagreidslu-> (19.05.2022).

³⁷ No. 432/2022, <https://www.stjornartidindi.is/Advert.aspx?RecordID=3fb15b32-c7bc-4a65-aebf-d194f702cc04> (20.05.2022).

³⁸ Ibidem, art. 69 § 5.

III. Post-election reality

The election results show that the biggest winner within whole country was Framsóknarflokkurinn (the Progress Party), whilst the biggest loser was Sjálfstæðisflokkurinn (the Independence Party). Many parties retained their majority, but in a few municipalities, due to the collapse of the coalition, negotiations will take place³⁹. In Reykjavik itself, the winner is the Progress Party⁴⁰. In the last election, she didn't manage to win even a seat in the city council, but currently won almost 19% of the votes (4 seats)⁴¹. There are plenty reshuffles both in the capital region and beyond⁴², which may reflect to the issue of Iceland's membership in the European Union. Therefore, the issue on which Iceland took an unequivocal position in 2013, declaring that it was no longer interested in membership, returns in the public debate. In connection with the changes on the local government political scene, it is worth to take a closer look at the direction of foreign policy movements in the longer term.

Interestingly, although perhaps indirectly, these changes are illustrated by a survey conducted by Þjóðarpúls Gallup⁴³. On the last day of April, this poll was as follows:

As the elections showed, the poll predictions did not deviate too much from the real results. The poll on May 13th shows an average deviation of about 1.2 points:

³⁹ M. Adamsdottir, *Wyniki wyborów poza Reykjavikiem*, <https://www.ruv.is/frett/2022/05/15/wyniki-wyborow-pozareykjavikiem?fbclid=IwAR2KbGnnc4K02f6S2lVD1-TpE8OyvTg5QgQNORwEasU6iZDdgtz0N17XzEc> (15.05.2022).

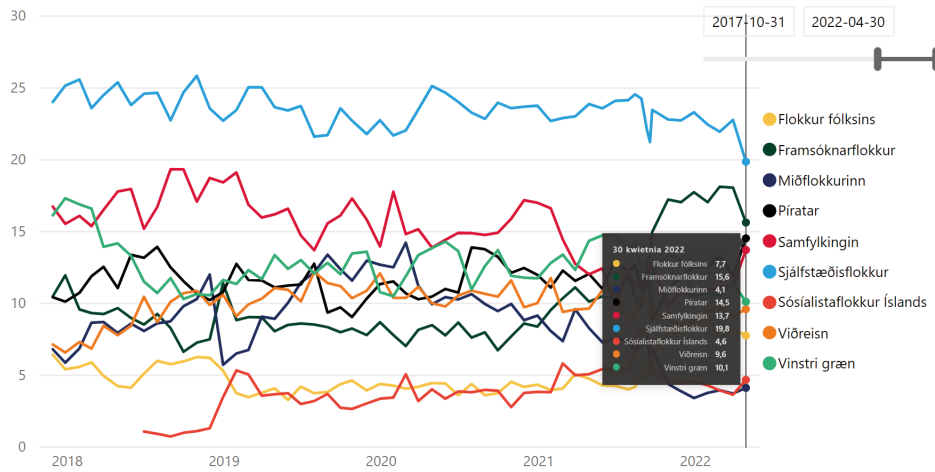
⁴⁰ Although the Independence Party received the most votes, 24.5% was their worst result in history.

⁴¹ M. Adamsdottir, *Czteropartyjna koalicja w Reykjaviku upadła*, https://www.ruv.is/frett/2022/05/15/czteropartyjna-koalicja-w-reykjaviku-upadla?fbclid=IwAR3AYe3gbomo_3oDp_NdarS3X7e7TVJOEaQjUnf8YiOQzVi1OXpb7sLXJOs (15.05.2022). See: M.M. Niebieszczańska, *Wybory samorządowe w Reykjaviku przynoszą wiele zmian*, <https://www.visir.is/g/20222263666d> (18.05.2022).

⁴² M. Adamsdottir, *Wyniki wyborów poza...*

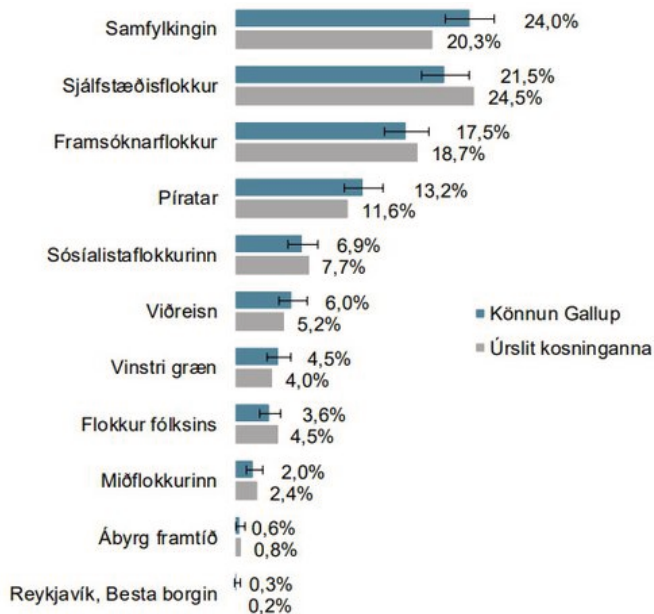
⁴³ <https://www.gallup.is/nidurstodur/thjodarpuls/fylgi-flokka> (21.05.2022). See: M. Szewczuk, *Obecny rząd utrzymuje się dzięki minimalnej przewadze*, <https://icelandnews.is/wiadomosci/z-kraju/gallup-obecny-rzad-utrzymuje-sie-dzieki-minimalnej-przewadze> (21.05.2022).

Chart no. 1



Source: <https://www.gallup.is/nidurstodur/thjodarpuls/fylgi-flokka> (15.05.2022).

Chart no. 2

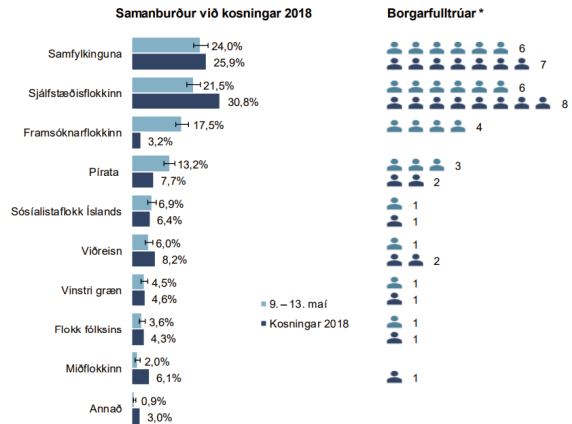


Source: <https://www.gallup.is/nidurstodur/thjodarpuls/fylgi-flokka> (15.05.2022).

A gradual increase in the support of the Progress Party is clearly visible⁴⁴. In the time perspective since the elections in 2018, the changes are as follows:

Chart no. 3

	Fjöldi	%	+/-
Samfylkinguna	271	24,0	2,5
Sjálfstæðisflokkinn	243	21,5	2,4
Framsóknarflokkinn	198	17,5	2,2
Pirata	150	13,2	2,0
Sósíalístaflokk Íslands	78	6,9	1,5
Víðreisn	67	6,0	1,4
Vinstri græn	51	4,5	1,2
Flokk fólksins	41	3,6	1,1
Miðflokkinn	23	2,0	0,8
Ábyrg framtíð	6	0,6	0,4
Reykjavík, bestu borgina	3	0,3	0,3
Fjöldi svara	1.133	100,0	
Ætla að kjósa	1.133	87,4	
Skiða auðu / Ætla ekki að kjósa	102	7,9	
Töku ekki afstöðu	61	4,7	
Fjöldi svarenda	1.296	100,0	



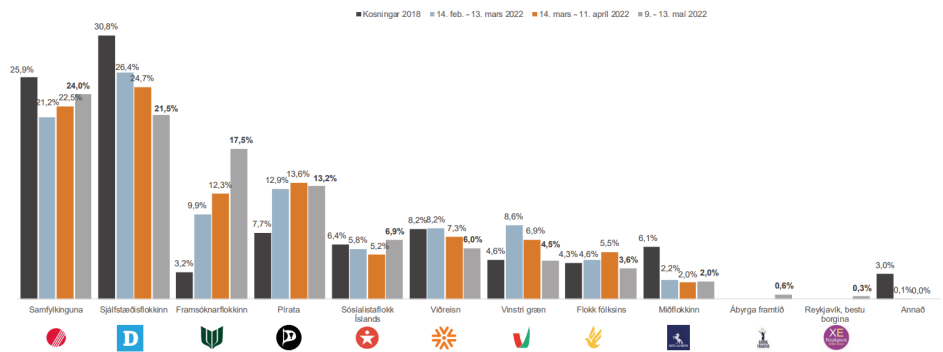
* Skipting borgarfulltrúa miðar við fylgi flokka eins og það mælist í könnuninni en mjótt er á munum og sáralitlar breytingar þarf á fylgi flokkanna frá níústrúðum könnunarinnar til að fjöldi borgarfulltrúa breyist.

Þeir borgarfulltrúar sem standa tæpast eru sjötti fulltrúi Sjálfstæðisflokks og fulltrúi Flokks fólksins en þeir sem eru næstir því að komast inn eru fimmtíu fulltrúi Framsóknarflokks, annar fulltrúi Sósiálistaflokks Íslands og sjöundi fulltrúi Samfylkingar.

Source: <https://www.gallup.is/frettir/kosningakonnun-gallup-nalaegt-urslitum> (15.05.2022).

Chart no. 4

Ef kosið yrði til borgarstjórnar í dag, hvaða flokk eða lista myndir þú kjósa/líklegast kjósa?



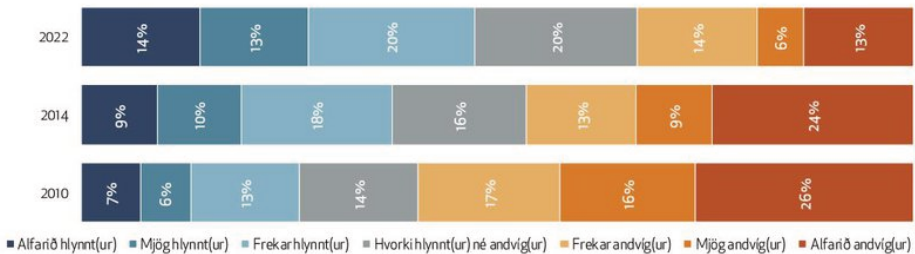
Source: <https://www.gallup.is/frettir/kosningakonnun-gallup-nalaegt-urslitum> (15.05.2022).

⁴⁴ Sondaz Gallupa blisko wyników wyborów, <https://www.gallup.is/frettir/kosningakonnun-gallup-nalaegt-urslitum> (16.05.2022).

A Gallup poll from March 2022 shows that support for Iceland's membership in the European Union is currently 47%⁴⁵ (33% of respondents are against, and 20% have no opinion). This is a big change since 2010, when 26% of respondents were in favor of joining, while 59% were against. In 2014 (a year after the suspension of accession efforts), these numbers were in the ratio of 37% FOR to 46% AGAINST. This means that the proportions have reversed over the last 6 years⁴⁶.

Chart no. 5

Ert þú hlynn(ur) eða andvíg(ur) aðild Íslands að Evrópusambandinu (ESB)?



Source: <https://www.gallup.is/frettir/nato-og-esb> (11.03.2022).

IV. Final remarks

The current reshuffles on the local government political scene may mean that Iceland's entry into the EU structures will return to public discussion. The Prime Minister herself is against this accession⁴⁷, but the le-

⁴⁵ The on line survey also concerned NATO membership. 74% of the respondents were in favor.

The survey was conducted from 3 to 7 March 2022. The total sample size was 1780 and the participation rate was 50.1%. The question was: Do you support or oppose Iceland's membership of the European Union (EU)? Following: <https://www.gallup.is/frettir/nato-og-esb> (9.03.2022).

⁴⁶ M. Szewczuk, *Rosnie poziom poparcia dla przystapienia Islandii do UE*, <https://icelandnews.is/wiadomosci/z-kraju/rosnie-poziom-poparcia-dla-przystapienia-islandii-do-ue> (11.03.2022).

⁴⁷ A.S. Fontaine, *Question of Iceland joining the EU hangs in the balance in Parliament*, <https://grapevine.is/news/2022/03/22/question-of-iceland-joining-the-eu-hangs-in-the-balance-in-parliament> (22.03.2022).

aders of Pírati and Viðreisn, along with fourteen other members of their party, presented Parliament already in the first quarter of 2022 a proposal to hold a referendum before the end of 2022. It would concern the continuation of Iceland's accession negotiations with the European Union. Politicians want the nation to be asked whether to continue negotiations with the European Union to conclude a membership agreement that will be submitted to the nation for approval or rejection⁴⁸. The lack of favor of the Prime Minister and the anti-EU position of the other parties in the government (the Independence Party and the Progress Party) allow to presume that currently achieving a majority (necessary to reactivate the application for accession to the EU) is rather impossible⁴⁹. Which does not dismiss the spectrum of a referendum, the result of which (exacerbated by the current military conflict between Russia and Ukraine) may have a real impact on the vector of actions in this matter. We will have to wait a few more months for a solution, but the above issue will surely appear in political and social discussions.

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⁴⁸ J.V.Hjaltadottir, *Vilja þjóðaratkvæðagreiðslu um ESB-aðild*, <https://www.ruv.is/frett/2022/03/21/vilja-thjodaratkvaedagreidslu-um-esb-adild> (21.03.2022).

⁴⁹ A.S. Fontaine, *Question...*

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