

# Parliamentary Procedures Requiring a Supermajority in Selected Jurisdictions

Australia • Belarus • Czech Republic • Denmark • Hungary • Kosovo  
Lithuania • Romania • South Korea • Switzerland

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# Parliamentary Procedures Requiring a Supermajority in Selected Jurisdictions

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## I. Introduction

This report prepared by research staff of the Law Library of Congress identifies countries where a vote by a supermajority of legislators is required to change or initiate some parliamentary procedures. The report's focus is mainly on the procedural requirements for deviation from standing orders and the termination of filibusters. Following a detailed review of procedural rules accepted by legislatures worldwide, the report includes nine foreign jurisdictions where legal acts defining parliamentary procedures require a qualified majority vote on a motion to proceed with debating a bill, or to close deliberations and move to voting. The addition of Switzerland to the study serves as a historic example because similar procedures existed in the Swiss Parliament before they were repealed in 1974.

Many countries require a qualified majority vote in parliament for the adoption of specific types of legislation, such as constitutional amendments, constitutional laws, and impeachment resolutions, or for ratifying international treaties, suspending parliamentary immunity, or deciding whether to conduct a closed session of the legislature, among others. These instances of supermajority votes were not considered for the purpose of this report.

All countries reviewed define “supermajority” differently. Depending on the issue under consideration, the required majority is calculated based on the number of members present at a particular parliamentary sitting (Denmark, Hungary, Kosovo, Lithuania) or the total number of legislators elected to the parliamentary body (Belarus, South Korea). Because procedural issues in the Czech and Romanian parliaments are resolved mainly in the committees, a qualified majority (three-fifths and two-thirds, respectively) of all committee members is required. In Australia, an “absolute majority,” which is required to move motions to suspend a standing order, is simply the majority of all members of the chamber, while other procedural issues are resolved by the agreement of the majority of the members present for the vote, a “simple majority.”

Of those countries surveyed, only a few, notably Australia, Denmark, Lithuania, and South Korea, have specific procedural rules applicable to regulating the length of debates on bills under consideration. Following a vote by the established qualified majority, deviations from debate procedures are allowed for discussing “urgent matters” in Hungary and constitutional amendments in Belarus. In the Czech Republic and Romania, debates and speeches can be limited in the committees only, and that requires a vote by the supermajority of the committee

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\* At present there are no Law Library of Congress research staff members versed in Czech, Hungarian, Romanian, or Korean. Country surveys for the Czech Republic, Hungary, Romania, and South Korea were prepared by the authors' reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

members. A supermajority vote is also a requirement to change committee business in the parliaments of the Czech Republic and Hungary. Deviation from any established procedure needs the approval of the supermajority of the members of parliament present in Hungary and Kosovo. Overall, the findings of this report demonstrate that in the majority of the countries, the legislatures either do not require a supermajority vote to change established rules of parliamentary procedure or do not provide for the possibility of a filibuster.

## II. Country Surveys

### Australia

Both the Australian House of Representatives and Senate have rules that enable motions to be moved for the suspension of standing orders.<sup>1</sup> Such motions may be used to change the order of business before the relevant house,<sup>2</sup> or to permit the introduction of bills and their passage without delay,<sup>3</sup> among other matters.<sup>4</sup> If motions to suspend standing orders are moved without notice, then an “absolute majority” of members must vote in favor of the motion.<sup>5</sup> This means that more than half of the total number of members of the relevant house must vote in favor of the motion, as opposed to a simple majority where only a majority of those present for the vote must vote in favor of the motion.<sup>6</sup>

<sup>1</sup> ANNOTATED STANDING ORDERS OF THE AUSTRALIAN SENATE, ch. 33, “Effect and Suspension of Standing Orders, SO 209: Motion for Suspension” (3d ed. 2009), [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/aso/so209](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/aso/so209), archived at <https://perma.cc/3T4H-6CSF>; HOUSE OF REPRESENTATIVES STANDING ORDERS AS AT SEPT. 13, 2016, ch. 6, “Business and Proceedings of the House, SO 47: Motions for Suspension of Orders” (rev. ed. 2016), [http://www.aph.gov.au/~media/05\\_About\\_Parliament/53\\_HoR/532\\_PPP/StandingOrders/chapter6.pdf](http://www.aph.gov.au/~media/05_About_Parliament/53_HoR/532_PPP/StandingOrders/chapter6.pdf), archived at <https://perma.cc/S8YP-7NH4>.

<sup>2</sup> ODGERS’ AUSTRALIAN SENATE PRACTICE, ch. 8, “Conduct of Proceedings: Postponement and Rearrangement of Business” (14th ed. 2016), [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Odgers\\_Australian\\_Senate\\_Practice/Chapter\\_08#h15](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Odgers_Australian_Senate_Practice/Chapter_08#h15), archived at <https://perma.cc/ZUZ3-4JZV>; *id.* ch. 8, “Conduct of Proceedings: Suspension of Standing Orders,” [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Odgers\\_Australian\\_Senate\\_Practice/Chapter\\_08#h19](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Odgers_Australian_Senate_Practice/Chapter_08#h19), archived at <https://perma.cc/USF4-68MW>; HOUSE OF REPRESENTATIVES PRACTICE, ch. 9, “Motions: Notice” (6th ed. Sept. 2012), [http://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/Practice6/Practice6HTML?file=Chapter9&section=02](http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice6/Practice6HTML?file=Chapter9&section=02), archived at <https://perma.cc/56PK-PFXD>.

<sup>3</sup> HOUSE OF REPRESENTATIVES PRACTICE, ch. 10, “Legislation: Procedures to Speed the Passage of Bills” (6th ed. Sept. 2012), [http://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/Practice6/Practice6HTML?file=Chapter10&section=04](http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice6/Practice6HTML?file=Chapter10&section=04), archived at <https://perma.cc/QQ3K-DKJB>.

<sup>4</sup> “*Under What Circumstances Would Standing Orders be Suspended and For What Purpose?*”, PARLIAMENTARY EDUCATION OFFICE, <http://questions.peo.gov.au/questions/under-what-circumstances-would-standing-orders-be-suspended-and-for-what-purpose/22> (last visited Apr. 11, 2017), archived at <https://perma.cc/8CYZ-Y3NL>.

<sup>5</sup> See *Brief Guides to Senate Procedure, No. 5: Suspension of Standing Orders*, PARLIAMENT OF AUSTRALIA, [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Brief\\_Guides\\_to\\_Senate\\_Procedure/No\\_5](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Brief_Guides_to_Senate_Procedure/No_5) (last reviewed Aug. 2015), archived at <https://perma.cc/J6F8-DRXY>.

<sup>6</sup> See *Glossary*, PARLIAMENT OF AUSTRALIA, <http://www.aph.gov.au/Help/Glossary> (last visited Apr. 11, 2017); ODGERS’ AUSTRALIAN SENATE PRACTICE, ch. 11, “Voting and Divisions: Special Majorities” (14th ed. 2016), [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Odgers\\_Australian\\_Senate\\_Practice/Chapter\\_11#h03](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Odgers_Australian_Senate_Practice/Chapter_11#h03), archived at <https://perma.cc/VDP7-TX8U>.

However, most motions to suspend standing orders are moved by a special type of notice called a “contingent notice” in order to avoid the need to obtain the agreement of an absolute majority of the house. Such motions only require the agreement of a simple majority.<sup>7</sup> In addition, other mechanisms (referred to as the “guillotine”) that do not require the agreement of an absolute majority are available to government ministers with respect to placing time limits on debates for bills that are declared urgent.<sup>8</sup>

## Belarus

In the Belarusian Parliament, debates on constitutional amendments can be stopped only if two-thirds of the legislators vote to terminate further discussions.<sup>9</sup>

## Czech Republic

In the Chamber of Deputies, the lower house of the Czech Parliament, a supermajority vote might be needed for resolving procedural issues within individual parliamentary committees. According to section 36 of the Rules of Procedure of the Chamber of Deputies, a committee chairperson draws up the agenda and schedule (called “programme”) for each committee meeting. Once the programme has been approved, any resolution expanding its original content by introducing additional issues and any resolution changing the schedule time for discussion must be voted for by at least three-fifths of all committee members.<sup>10</sup>

## Denmark

In the Danish Folketinget (Parliament), the Formand (Speaker) leads the work and presides over the speaking schedule.<sup>11</sup> He or she may change the schedule but must provide Parliament with a reason for doing so.<sup>12</sup> The Speaker may also propose that a prolonged discussion in Parliament

<sup>7</sup> See Brief Guides to Senate Procedure, No. 5: Suspension of Standing Orders, *supra* note 5.

<sup>8</sup> See *Brief Guides to Senate Procedure, No. 17: Debating Legislation Under Time Limits*, PARLIAMENT OF AUSTRALIA, [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Brief\\_Guides\\_to\\_Senate\\_Procedure/No\\_17](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Brief_Guides_to_Senate_Procedure/No_17) (last reviewed Aug. 2015), archived at <https://perma.cc/9WXU-KL3U>; *House of Representatives Infosheet 7: Making Laws*, PARLIAMENT OF AUSTRALIA (Nov. 2016), [http://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/00\\_-\\_Infosheets/Infosheet\\_7\\_-\\_Making\\_laws](http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_7_-_Making_laws), archived at <https://perma.cc/VE3G-XDV4>.

<sup>9</sup> Reglament Palaty Predstavitelei Natsionalnogo Sobrania [Rules of Procedure of the House of Representatives of the National Assembly] No. 707-P5/VIII of Dec. 18, 2015, art. 172, available at <http://www.pravo.by/document/?guid=3871&p0=H21500707> (Belr.), archived at <https://perma.cc/7L72-6PKW>.

<sup>10</sup> Jednací Řád Poslanecké Sněmovny [Rules of Procedure of the Chamber of Deputies], vyhláška 90/1995 (Sb.) § 36, available at [https://www.psp.cz/docs/laws/1995/90\\_Index.html](https://www.psp.cz/docs/laws/1995/90_Index.html) (Czech), archived at <https://perma.cc/XC2D-S5VR>, English translation available at <https://www.psp.cz/en/docs/laws/1995/90.html#s3>, archived at <https://perma.cc/245G-9QPF>.

<sup>11</sup> Forretningsorden for Folketinget [Work Instruction for the Danish Parliament], as amended through Oct. 22, 2015, § 4, [http://www.ft.dk/Dokumenter/Publikationer/Folketinget/~media/PDF/publikationer/Folketinget/Folketingets\\_forretningsorden.ashx](http://www.ft.dk/Dokumenter/Publikationer/Folketinget/~media/PDF/publikationer/Folketinget/Folketingets_forretningsorden.ashx) (Den.), archived at <https://perma.cc/7QJE-PTP5>. See also *The Speaker*, FOLKETINGET (Nov. 24, 2015), [http://www.thedanishparliament.dk/About\\_the\\_Danish\\_Parliament/The\\_Speaker.aspx](http://www.thedanishparliament.dk/About_the_Danish_Parliament/The_Speaker.aspx) (Den.), archived at <https://perma.cc/8W5J-MSH8>.

<sup>12</sup> Work Instruction for the Danish Parliament § 32 stk 3.

come to an end.<sup>13</sup> Parliament then votes on this without prior discussions, but after a list of names of remaining speakers has been read.<sup>14</sup> Discussions can also come to an end by seventeen parliamentary members (out of a maximum of 179<sup>15</sup>) requesting, in writing, that there be an end to discussions and that a vote be taken.<sup>16</sup>

Half of the voting members in Parliament must be present for a vote to take place.<sup>17</sup> Most proposals only require a simple majority.<sup>18</sup> Departure from procedural rules may be undertaken, after a proposal from the Speaker or a written request by seventeen members of Parliament, provided that three-fourths of the present voting members approve it.<sup>19</sup>

## Hungary

In the Hungarian Parliament, a supermajority (four-fifths of the Parliament's members that are present) is required to derogate from any established procedural provision and proceed in a way not prescribed by the Parliamentary Rules of Procedure to resolve a specific issue.<sup>20</sup> Voting by two-thirds of the members of Parliament present is required to start debates on an urgent matter.<sup>21</sup> Changes to the committee meeting agenda require a vote by two-thirds of the committee members present.<sup>22</sup>

## Kosovo

In Kosovo, a supermajority (two-thirds of the members of Parliament present) is required to deviate from the Rules of Procedure,<sup>23</sup> and a qualified majority vote (two-thirds of all members of Parliament) is required for amending the Rules of Procedure.<sup>24</sup>

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<sup>13</sup> *Id.* § 31.

<sup>14</sup> *Id.*

<sup>15</sup> DANMARK RIGES GRUNDLOV (GRUNDLOVEN) [DANISH CONSTITUTION] §§ 3, 28, <https://www.retsinformation.dk/Forms/R0710.aspx?id=45902> (Den.), archived at <https://perma.cc/A64F-3J6B>.

<sup>16</sup> *Id.*

<sup>17</sup> DANISH CONSTITUTION § 50; Work Instruction for Danish Parliament § 33.

<sup>18</sup> Work Instruction for Danish Parliament § 33.

<sup>19</sup> *Id.* § 42.

<sup>20</sup> 10/2014. (II. 24.) OGY Határozat Egyes Házszabályi Rendelkezésekről [Resolution on Certain Provisions of the Rules of Procedure], *Közlönyállapot* § 65, available at <https://mkogy.jogtar.hu/?page=show&docid=a14h0010.OGY> (Hung.), archived at <https://perma.cc/FCH3-BBXQ>, English translation available at <http://www.parlament.hu/documents/125505/138409/Resolution+on+certain+provisions+of+the+Rules+of+Procedure/968f2e08-f740-4241-a87b-28e6dc390407>, archived at <https://perma.cc/AX9R-FH5A>.

<sup>21</sup> *Id.* § 60.

<sup>22</sup> *Id.* § 114.

<sup>23</sup> Rregullore e Kuvendit të Republikës së Kosovës [Rules of Procedure of the Assembly of the Republic of Kosovo], Statute Nr. 03-V-304 of Apr. 29, 2010, art. 84, available at [http://www.kuvendikosoves.org/common/docs/Rr\\_K\\_RK\\_29\\_04\\_2010\\_1.pdf](http://www.kuvendikosoves.org/common/docs/Rr_K_RK_29_04_2010_1.pdf) (Kos.), archived at <https://perma.cc/UZ9P-K6XJ>, English translation available at [http://www.kuvendikosoves.org/common/docs/Rr\\_K\\_RK\\_29\\_04\\_2010\\_2.pdf](http://www.kuvendikosoves.org/common/docs/Rr_K_RK_29_04_2010_2.pdf), archived at <https://perma.cc/V2Q7-AN3E>.

## Lithuania

If an opposition political group insists on continuing debate, discussions can be stopped if two-thirds of the members of the Seimas (the Lithuanian Parliament) participate in the sitting vote to terminate the debate.<sup>25</sup>

## Romania

Procedures of the Senate, the upper chamber of the Romanian Parliament, regulate, among other issues, the debates in individual Senate committees. In order to impose a time limit on the length of debates or speeches of individual Senate members, a vote of two-thirds of the committee members is required. The committee may decide to limit the length of debates or speeches at the suggestion of any member.<sup>26</sup>

## South Korea

Speaking time for a National Assembly (NA) member is determined by the Speaker and is generally up to fifteen minutes.<sup>27</sup> However, when an NA member submits to the Speaker a letter of request of debate on an agenda without a time limit (filibuster) and with the signatures of one-third or more incumbent NA members, the Speaker must implement the filibuster.<sup>28</sup> Then, an NA member may submit to the Speaker a motion for termination of the filibuster signed by at least one-third of all incumbent NA members.<sup>29</sup> The motion is decided, without debate, by a secret vote twenty-four hours after the submission of the motion. The affirmative votes of at least three-fifths of all incumbent NA members are required for termination of the filibuster.<sup>30</sup>

## Switzerland

Current Swiss law does not require a supermajority vote to end debate on a motion to proceed to a bill (introductory debate) or to end debate on a bill (detailed consideration). The Standing

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<sup>24</sup> *Id.* art. 81(3).

<sup>25</sup> Lietuvos Respublikos Seimo Statutas [Statute on the Seimas of the Republic of Lithuania], Law No. I-399 of February 17, 1994, art. 108.7, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.5734?jfwid=39x432mh7> (Lith.), archived at <https://perma.cc/9NDW-7G67>, English translation available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e495a6e2b60611e5be9bf78e07ed6470?jfwid=39x432mh7>, archived at <https://perma.cc/HY25-RT6M>.

<sup>26</sup> Regulamentul Senatului [Senate Procedures Manual], MONITORUL OFICIAL No. 948 of Oct. 25, 2005, art. 63, available at [https://www.senat.ro/pagini/reg\\_sen/reg\\_senat\\_2016.htm](https://www.senat.ro/pagini/reg_sen/reg_senat_2016.htm) (Rom.), archived at <https://perma.cc/4QYB-V3WP>.

<sup>27</sup> National Assembly Act, Act No. 4010, June 15, 1988, amended by Act No. 6266, Feb. 16, 2000, art. 104, para. 1 (S. Kor.).

<sup>28</sup> *Id.* art. 106-2, para. 2, inserted by Act No. 11453, May 25, 2012 (S. Kor.).

<sup>29</sup> *Id.* para. 5, inserted by Act No.11453, May 25, 2012 (S. Kor.).

<sup>30</sup> *Id.* para. 6, inserted by Act No.11453, May 25, 2012 (S. Kor.).

Orders of the National Council of 1920 required a two-thirds majority to end debate on a bill.<sup>31</sup> The rule was abolished when the Standing Orders were repealed and re-promulgated in 1974.<sup>32</sup>

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<sup>31</sup> Geschäftsreglement des Nationalrates [GRN] [Standing Orders of the National Council] [SO-NC], Dec. 17, 1920, AMTLICHE SAMMLUNG [AS] [CHRONOLOGICAL COLLECTION OF LAWS] 3, 12 (1921), art. 69, para. 2 at 173, [https://biblio.parlament.ch/e-docs/95123\\_1929.pdf](https://biblio.parlament.ch/e-docs/95123_1929.pdf) (Switz.), archived at <http://perma.cc/NS4A-XSQ9>.

<sup>32</sup> GRN SO-NC, Oct. 4, 1974, AS 1645 (1974) (Switz.).