Essay

Bolstering Prime-Ministerial Countercheck: A New Game-Based Investiture Scheme for Semi-Presidential Systems

Yiping Cheng *

Posted Date: 4 December 2025

doi: 10.20944/preprints202512.0343.v1

Keywords: semi-presidentialism; game-based constitutional design; formal legislative confidence; two-tier no-confidence; electoral synchronisation

 doi:10.20944/preprints202512.0343.v1

Article

Bolstering Prime-Ministerial Countercheck: A New Game-Based Investiture Scheme for Semi-Presidential Systems

Yiping Cheng

School of Automation and Intelligence, Beijing Jiaotong University, Beijing 100044, China; ypcheng@bjtu.edu.cn

Abstract

This paper presents a fully articulated semi-presidential constitutional scheme (Scheme C) that embraces parliamentary fragmentation and minority governments as the new normal rather than pathologies requiring cure. Evolved from Schemes A and B, it strengthens prime-ministerial counterweights against the assembly. The scheme fuses (i) Westminster-style executive continuity and prime-ministerial dissolution initiative, (ii) French-style presidential authority in foreign and defence policy plus a robust legislative veto, (iii) synchronised presidential-legislative elections complemented by semi-mid-term legislative contests, and (iv) a game-based investiture rule paired with an innovative two-tier no-confidence procedure, both anchored in formal legislative confidence. Scheme C thereby achieves an unprecedented synthesis: more parliamentary than classic president-parliamentary or premier-presidential systems, more stable than Westminster models amid fragmented legislatures, and endowed with stronger mid-term democratic correctives than existing benchmarks. Its architecture simultaneously shields the prime minister from presidential overreach, the president from parliamentary extortion, and the state from governmental paralysis or authoritarian drift—even under unified political control of both branches. Scheme C is thus advanced not as theoretical speculation but as a coherent, stress-tested model ready for adoption in contemporary democracies facing persistent legislative fragmentation.

Keywords: semi-presidentialism; game-based constitutional design; formal legislative confidence; two-tier no-confidence; electoral synchronisation

---

1. Introduction

In [1], the present author proposed two game-based schemes for prime-minister selection in semi-presidential systems. Both were presented as substantial improvements over an earlier design developed in [2].

Upon further scrutiny, however, both schemes still reveal a critical shared weakness: inadequate prime-ministerial countercheck against the legislature:

- Scheme B provides the prime minister with no countercheck whatsoever against parliamentary obstruction.
- Scheme A appears to grant the prime minister a dissolution threat through its "Request for Successor" procedure. In practice, however, a risk-averse assembly (throughout this paper **"assembly"** refers to the entire legislative body in unicameral systems or to the lower house in bicameral systems). can simply pre-empt dissolution by electing a new prime minister who, once in office, may still be denied meaningful legislative support. The originally intended countercheck is thereby neutralised.

This paper rectifies the countercheck deficiency by proposing a new investiture scheme—one that restores a strong and credible prime-ministerial countercheck without sacrificing the anti-deadlock, anti-fragmentation advantages of earlier designs. The core innovation is a carefully restricted reinstatement of the classic prime-ministerial dissolution initiative, replacing the easily circumvented "Request

 doi:10.20944/preprints202512.0343.v1

for Successor" device used in Scheme A of [1]. The new rules impose three interlocking constraints that together eliminate assembly's pre-emption while preserving democratic stability:

- Assembly and presidential terms are synchronised and fixed at five years.
- The prime minister may trigger early assembly elections only during a narrowly defined mid-term window (after the assembly has served more than two years but with more than one year remaining).
- An assembly elected in a snap election serves only the remainder of the original term and, crucially, the newly appointed prime minister enjoys no further dissolution right during that shortened period.

These restrictions render the dissolution threat credible when it is available, yet prevent its abuse. The result is a robust prime-ministerial countercheck that is both theoretically incentive-compatible and practically balanced.

The remainder of the paper is organised as follows. Section 2 reviews the relevant literature and actual constitutions on dissolution powers. Section 3 presents the full details of the new scheme. Section 4 provides comparative analysis and discussions on several pivotal issues. Section 5 concludes the paper.

2. Dissolution Powers and Prime-Ministerial Countercheck

Parliamentary obstruction typically takes two forms: outright refusal to invest a government, leaving the nominee without majority support, or reluctant support granted only to avert dissolution, followed by systematic obstruction of legislation [3,4]. Confidence-vote linkage can sometimes mitigate the second type, but in most systems it ultimately collapses into the same underlying threat: government defeat often triggers early elections. MPs therefore fear dissolution far more than the prime minister's resignation alone, which by itself does not automatically endanger their seats [5]. Consequently, the credible prospect of parliamentary dissolution remains the single most powerful prime-ministerial countercheck across both parliamentary and semi-presidential regimes [3].

This section surveys existing dissolution rules by the conditions under which the prime minister may initiate early elections and by the degree of head-of-state discretion.

2.1. Untriggered Dissolution

In a number of parliamentary and premier-presidential systems the prime minister may propose dissolution without any specific parliamentary trigger (failed legislation, no-confidence vote, or investiture deadlock).

- **Head of state has no discretion (obligatory dissolution on PM advice):** United Kingdom (since the 2022 repeal of the Fixed-term Parliaments Act), Canada, Australia, and New Zealand (pre-fixed-term reforms). The head of state is constitutionally required to grant the request [4,6,7].
- **Head of state retains formal discretion but almost never refuses:** India, Israel (until 2022), and historically Japan. Refusal would provoke a major constitutional crisis and has therefore remained exceptional or non-existent in practice [3].
- **Head of state possesses actual, exercisable discretion:** In Portugal (Art. 133(2)), Ireland (Art. 13.2.1), and Iceland (Art. 57), the president may legally and politically refuse the prime minister's dissolution request, thereby significantly weakening the credibility of the countercheck [5,6].

The first category delivers a strong and unconditional prime-ministerial countercheck, the second retains high practical strength, whereas the third substantially dilutes the threat's deterrent effect.

2.2. Triggered Dissolution

A few systems allow a sitting prime minister to propose parliamentary dissolution only with a parliamentary trigger, such as repeated failure to pass core legislation, or the assembly has explicitly rejected the government via a vote of no-confidence or refuse to invest a new cabinet.

- Head of state has **no discretion**: Greece (Art. 41 § 2: after a successful constructive vote of no-confidence, the new prime minister may request dissolution if he or she wishes early elections;

 doi:10.20944/preprints202512.0343.v1

the president is obliged to grant it) and Papua New Guinea (similar obligatory dissolution after a successful no-confidence vote against the prime minister). The head of state acts automatically on the prime minister's request [5].

- Head of state retains **discretion**: Germany (Art. 68: the chancellor may ask the Bundestag for a vote of confidence and deliberately lose it; the federal president then decides within 21 days whether to dissolve or not) and Armenia (similar procedure: after a lost confidence vote the prime minister may propose dissolution, but the president may refuse). In both cases the prime minister personally initiates the request, yet the head of state can legally deny it [5,6].

These arrangements force the prime minister to suffer a visible parliamentary defeat before the dissolution option becomes available, making the countercheck reactive.

2.3. Presidential Initiative

In a significant number of semi-presidential (and occasionally parliamentary) systems, the prime minister possesses no independent right to propose parliamentary dissolution. Exclusive or near-exclusive authority is instead vested in the president, who may dissolve the assembly either at his or her own initiative or after specific triggers (typically failed investiture or loss of confidence), usually following non-binding consultation with the prime minister and/or the speakers of the parliamentary chambers.

Representative cases include:

- **France** (Art. 12 of the 1958 Constitution): the president alone decides dissolution "after consulting" the prime minister and the presidents of the two assemblies; the prime minister has no formal proposal right and the consultation is not binding [8,9].
- **Russia** (Art. 109–111 of the 1993 Constitution): the president may dissolve the State Duma after three failed investiture votes or a successful no-confidence vote; the prime minister's role is limited to non-binding consultation [6].
- **Romania post-2003** (Art. 89): the president may dissolve the assembly only after two failed investiture attempts within 60 days, following consultation with the parliamentary party leaders and the presidents of the chambers; the prime minister has no independent initiative [8].
- **Bulgaria** (Arts. 99 and 64): dissolution is automatic or presidential after three failed government-formation attempts; the president orchestrates the entire process and sets the election date with no prime-ministerial proposal right.
- **Sri Lanka (pre-2015)** and **Peru under Fujimori** (1993–2000): classic president-parliamentary designs in which the president held unilateral dissolution power, often exercised against a hostile legislature [10].

In all of these systems the prime-ministerial countercheck is effectively eliminated, as the decision ultimately rests with a popularly elected president whose political incentives frequently diverge from those of the cabinet.

The preceding survey illustrates that existing constitutional designs consistently face a difficult trade-off: unconditional prime-ministerial dissolution powers yield a strong countercheck but invite risks of instability, while triggered proposals or presidential monopolies enhance stability by severely weakening—or eliminating altogether—the prime minister's ability to deter legislative obstruction. A close reading of these real-world arrangements nevertheless highlights a set of institutional devices (mid-term windows, fixed temporal limits, and the elimination of presidential veto power) that have been used separately with varying degree of success. The rich variation uncovered in the literature and in actual constitutional practice thus provides valuable building blocks for institutional innovation. Section 3 draws on these insights to propose a new investiture scheme that, among its several innovations, incorporates a carefully restricted yet credible prime-ministerial dissolution power.

 doi:10.20944/preprints202512.0343.v1

3. The Reinforced Countercheck Scheme (Scheme C)

This section presents a new game-based investiture scheme for semi-presidential systems. We designate it **Scheme C** to indicate that it directly succeeds and rectifies the central weakness—insufficient prime-ministerial countercheck—of Schemes A and B in [1].

Following the drafting convention employed in [1,2], the scheme is formulated as a sequence of consecutively numbered constitutional rules in a single unified series prefixed with "C" (Article/Provision C1, C2, C3, ...). A rule is styled as an **Article** when it is complete and self-contained enough to stand alone in an actual constitution. A rule that would normally appear only as a paragraph or sub-clause within a larger article is styled as a **Provision**. Each article or provision is immediately followed by explanatory commentary that clarifies its purpose and its relationship to previous schemes and the institutional arrangements in real constitutions.

For consistency with [1,2], in the formal articles and provisions, the official name of the assembly is chosen as "National Assembly".

3.1. The Core Investiture Articles

The core investiture articles, which are given below, govern the game through which the assembly and the president fill a vacancy in the office of Prime Minister.

Article C1

During a vacancy in the office of Prime Minister, the National Assembly and the President may each nominate one candidate, who must meet the eligibility criteria for the office of Prime Minister. Such nominations, if made, shall be promulgated. The candidate nominated by the National Assembly is termed the Legislative Candidate, and the candidate nominated by the President is termed the President's Candidate. If the National Assembly nominates first, the President's nomination, if any, must follow within one day. If the President nominates first, the National Assembly's nomination, if any, must follow within fourteen days.

No nomination for Prime Minister may be made

- during the period of six days following the President's receipt of the Prime Minister's advice to dissolve the National Assembly;
- while the National Assembly stands dissolved;
- during the final sixty days of the President's term of office.

At the conclusion of the nomination phase, if only one candidate is nominated or both candidates are the same person, the President shall immediately appoint that candidate as Prime Minister, who shall be deemed to have formal legislative confidence.

If the Legislative Candidate and the President's Candidate are different persons, the National Assembly shall hold a vote of confidence in the Legislative Candidate within three days of both nominations being made. If the Legislative Candidate obtains the support of more than one-half of the total statutory membership of the National Assembly, the President shall immediately appoint the Legislative Candidate as Prime Minister, who shall be deemed to have formal legislative confidence. Otherwise, the President shall, after consulting both candidates within two days, immediately appoint either candidate as Prime Minister, who shall be deemed not to have formal legislative confidence.

 doi:10.20944/preprints202512.0343.v1

Article C2
During any period in which the office of Prime Minister is vacant, the President may appoint a Caretaker Prime Minister, who must be eligible to serve as Prime Minister. Where the office of Prime Minister becomes vacant for any reason other than the death or permanent incapacity of the holder, the holder's conviction of a disqualifying offence, or the holder's assumption of another office incompatible with the office of Prime Minister, the person who last held the office shall thereupon become Caretaker Prime Minister.

The Caretaker Prime Minister is authorised to exercise the powers of the Prime Minister except the powers

- to advise dissolution of the National Assembly, and
- to propose appointment or dismissal of a minister,

and shall perform the duties of the Prime Minister, until this mandate is terminated when

- a Prime Minister is appointed,
- a new Caretaker Prime Minister is appointed, or
- the Caretaker Prime Minister resigns, is dismissed, or becomes ineligible to serve as Prime Minister.

Article C3
The number of Ministers, including the Prime Minister, who are members of the National Assembly, shall not at any time exceed nine.

A Member of the National Assembly who holds office as Prime Minister or as a Minister shall continue to enjoy the rights and perform the duties of a Member of the National Assembly. Absence from sittings of the National Assembly or its committees necessitated by the performance of ministerial functions shall not be regarded as failure to perform the duties of a member.

The following commentary is provided for explaining the above provisions.

1. Article C1 establishes the procedural framework governing the interaction between the assembly and the president as they vie for the appointment of their preferred candidate. This rule effectively eliminates the deadlocks commonly encountered in traditional approval processes found in many semi-presidential systems [2]. Furthermore, it proves resilient in situations where the assembly is highly fragmented [1], ensuring that the appointment process remains functional even in politically divided environments.
2. Article C1 prohibits the nomination for Prime Minister in three defined circumstances. The underlying rationales for the second and third prohibitions are easy to understand, and the rationale for the first will be examined in subsection 3.4.
3. Article C2 addresses situations in which the office of Prime Minister remains vacant for an extended period. As stipulated in Article C1, there are three cases in which the nomination for Prime Minister is temporarily blocked. Additionally, there is the theoretical case in which both the assembly and the president indefinitely delay making a nomination. In all such cases, Article C2 provides the mechanism for designating a caretaker Prime Minister to ensure the continuity of government.
4. Article C3 imposes a strict ceiling on the number of members of the assembly who may simultaneously serve in the cabinet. Unlike the corresponding rules in the author's earlier Schemes A and B—which severely restricted or even prohibited ministerial office for sitting MPs in order to strengthen separation of powers—Article C3 deliberately aligns the cabinet's composition with the prevailing practice in most contemporary semi-presidential systems (France, Portugal, Poland, Romania, etc.), where a substantial share of ministers are drawn from the legislature. This shift should not, however, be understood as a core defining feature of the overall constitutional model presented here. The central innovations of the scheme continue to lie in the investiture, removal, and dissolution rules; Article C3 is an ancillary design choice to enhance coalition manageability.

 doi:10.20944/preprints202512.0343.v1

3.2. The Electoral and Terming Articles

A hallmark innovation of the scheme is the requirement of strict electoral concurrency: presidential and assembly elections are held on the same day. Although simultaneous presidential-legislative elections are common in pure presidential systems, their systematic use in a genuinely semi-presidential framework is exceedingly rare. This concurrency is achieved by providing that an assembly elected at an extraordinary (early) election serves only the remainder of the original term, thereby ensuring that the next assembly election again coincides with the presidential election.

> Article C4
> An ordinary general election for the offices of President and Vice President and for members of the National Assembly shall be held on the second Tuesday of October in the fifth calendar year following the previous ordinary general election.

> Article C5
> The term of the President and of the Vice-President shall begin at noon on 15 December of the year of their election and shall end at noon on 15 December of the year of the next ordinary general election.

> Article C6
> The term of a National Assembly elected at an ordinary general election shall begin at noon on 1 December of the year of the election and shall end at noon on 1 December of the year of the next ordinary general election.
>
> The term of a National Assembly elected at an extraordinary general election shall begin at noon on a day determined by law, being not later than the fifty-fifth day following the election, and shall end at noon on 1 December of the year of the next ordinary general election.

A few explanatory remarks for the above articles are now given below.

1. **Electoral concurrency sharply reduces the probability of cohabitation.** Extraordinary general elections (the ones triggered by early dissolution) are uncommon. The overwhelming majority of general elections are therefore the ordinary ones held concurrently at the end of the regular five-year term. When a president and legislature are elected at the same time by the same voters, their political orientations are typically similar. The probability of cohabitation—the situation in which the president and the parliamentary majority belong to opposing political forces—is sharply reduced.
2. **Concurrent renewal strengthens the accountability of the entire regime to the electorate.** In staggered systems, when a policy fails or succeeds, it is much harder for the electorate to identify who—the president, the assembly, or the cabinet—should be blamed or praised for that failure or success. Simultaneous renewal removes this ambiguity by making the entire regime jointly accountable.
3. **Concurrent renewal enhances cabinet stability.** The prime minister and cabinet must work with both the president and the assembly for effective governance. Synchronising the two mandates eliminates nearly half of occasions that typically cause cabinet reshuffles or early terminations.
4. **Concurrency lowers electoral costs and raises participation.** A single election day lowers administrative costs and consistently produces higher turnout, as voters make only one trip to the polling station for the two most important elections.
5. **Note on the specific dates:** The choice of the second Tuesday of October for ordinary general elections and the December inauguration dates are not essential features of the scheme. They have been selected as realistic, turnout-friendly, and logistically convenient defaults that can be adopted without modification in most countries. They may, however, be freely adjusted to suit local traditions, climate, or administrative circumstances without affecting the core constitutional logic of the model.

 doi:10.20944/preprints202512.0343.v1

6. **Note on possible presidential run-off:** The provisions above assume that the president (and vice president) are elected in a single round. Countries that prefer a two-round majority run-off system may easily accommodate it by providing that, if no candidate obtains the required majority in the first round, a run-off between the two leading candidates shall be held two weeks thereafter. The inauguration date of the president (and vice president) requires no adjustment even if a run-off is held. The interval from a late-October or early-November run-off to mid-December remains fully sufficient for result certification, legal challenges, and an orderly transition.

3.3. The No-Confidence Article

The treatment of prime-ministerial removal has evolved across iterations of the scheme. The earliest prototype relied on presidential dismissal combined with a modified ordinary vote of no-confidence. The later-developed Schemes A and B adopted the constructive vote of no-confidence, supplemented by a restricted presidential dismissal. But the current scheme has reverted back to ordinary vote of no-confidence.

> Article C7
> A motion of no-confidence in the Prime Minister may be proposed by at least one-fifth of the total statutory membership of the National Assembly. No such motion may be admitted during the final fifty days of the term of the National Assembly. The National Assembly may establish additional requirements for the admission of a motion of no-confidence in the Prime Minister.
>
> Once a motion is admitted, the National Assembly shall vote on it not earlier than three days and not later than ten days after the date of admission, unless the National Assembly is dissolved before the scheduled time of the vote.
>
> If the motion obtains the support of more than five-ninths of the total statutory membership of the National Assembly, it is adopted at the strong level. In that case, the Prime Minister shall cease to hold office when he or she tenders his or her resignation to the President or, in the absence of such resignation, at noon on the fifth day following the day of the vote, whichever occurs first.
>
> If the motion does not obtain the support of more than five-ninths but does obtain the support of more than one-half of the total statutory membership of the National Assembly, it is adopted at the ordinary level. In that case the Prime Minister shall be deemed not to have formal legislative confidence.

This article warrants some explanation.

1. This article employs a safeguard against frivolous no-confidence motions: a minimum signature threshold. Meanwhile, it is also flexible enough for the assembly to introduce further measures if needed.
2. In earlier Schemes A and B, an ordinary no-confidence vote carried by simple majority would have made minority governments extremely fragile. We therefore initially believed a constructive vote of no-confidence was the only viable protection. We now see that the same stabilising effect can be obtained more simply by raising the threshold required to actually remove the prime minister. Under the new mechanism:
   - A classic absolute majority (>50 %) is still enough to withdraw formal legislative confidence and expose the prime minister to possible presidential dismissal.
   - Actual removal by the assembly alone, however, requires a qualified majority of more than five-ninths ($5/9 \approx 55.56$ %) of the total statutory membership.

   Thus, minority governments are shielded from casual parliamentary harassment, yet a broad negative coalition can still force the prime minister out in a genuine crisis. At the same time, if the president also wishes to replace a prime minister who has lost ordinary confidence, the difficulty remains exactly the same as under a traditional no-confidence rule.

 doi:10.20944/preprints202512.0343.v1

3. The fraction 5/9 was chosen because it is the lowest "clean" supermajority (small-integer fraction) that is unmistakably higher than 50%, yet does not make removal excessively hard. The 5/9 threshold reflects our reasoned design intuition; its optimality can only be fully assessed after extended real-world application of the scheme. Nearby fractions such as 4/7 ($\approx$ 57.14 %) or 6/11 ($\approx$54.55 %) may be plausible alternatives.
4. Paragraph 3 allows the prime minister to remain in office for up to four full days after a motion of no-confidence has been adopted at the strong level. This brief grace period is intentional: It gives the prime minister the necessary time to arrange and hold the meeting with the president, which is required to formally advise dissolution of the assembly (should he or she so decides). Without these four days, the prime minister would be instantly removed upon the vote and would lose the constitutional authority to call an early election.
5. The constructive vote of no-confidence and the core investiture rule in Article C1 share essentially the same underlying logic: the assembly can install a prime minister if it already agrees on a candidate. That is why, in the old Schemes A and B, it was equally easy (or difficult) for the assembly to install its preferred choice of Prime Minister, whether the office was vacant or not. The current scheme deliberately breaks that symmetry. Here, if the office of Prime Minister is occupied, the assembly must first clear the 5/9 supermajority required for removal, then the normal (lower-threshold) investiture process apply. We regard this asymmetry as a feature, not a bug. By making it significantly harder for the assembly alone to topple a prime minister, the new mechanism greatly strengthens government stability—an objective we place at the very top of constitutional priorities.
6. The constructive vote of no-confidence is abandoned here for three reasons:
    - As we have just discussed, the threshold for such a vote should be set higher than one-half, in order to create a greater hurdle than what is required when the office is vacant. That said, since the same effect can be achieved through an ordinary vote of no-confidence, one might question the necessity of the constructive version. After all, the constructive vote of no-confidence is often considered more cumbersome and complicated than the ordinary version.
    - Candidates in a constructive vote of no-confidence are typically chosen on an ad-hoc basis by parliamentary groups, without any structured selection process or presidential involvement. This tends to favour high-profile or media-savvy individuals rather than those best qualified to form a stable government.
    - Perhaps most importantly, with constructive vote of no-confidence, the sitting prime minister is immediately replaced by a successor when the motion of no-confidence is (strongly) passed. This prevents the sitting prime minister from countering the motion by advising the dissolution of the assembly, which is considered an unwelcome feature as we value every mechanism to strengthen a minority government. This may also be a key reason why Westminster countries have not adopted the constructive vote of no-confidence.

3.4. The Dissolution Article

The prime minister's power to advise dissolution is a cornerstone of the entire constitutional design and one of its most distinctive innovations.

 doi:10.20944/preprints202512.0343.v1

Article C8
The Prime Minister may, in writing, with or without stating any specific reason, submit to the President an advice to dissolve the National Assembly, provided that:

- at least two years have elapsed since the beginning of the current term of the National Assembly; and
- at least one year remains until its natural expiry.

The President may dissolve the National Assembly only by granting such an advice within six days of its receipt.

If, before issuing a decree pursuant to the advice, the President dismisses the Prime Minister who submitted that advice or, where that same person has become Caretaker Prime Minister, dismisses or replaces him or her in that role, the authority to grant that advice shall immediately lapse.

A decree granting the advice shall dissolve the National Assembly with immediate effect upon its publication in the Official Gazette. The President shall, by the same decree or by a separate decree issued no later than ten days after the dissolution, fix the date of the extraordinary general election for the members of the National Assembly only, to be held not earlier than forty days and not later than seventy days after the date of dissolution.

This article appears deceptively simple, yet it quietly embeds several original design choices.

1. Although never stated outright, the twin restrictions (at least two years served and at least one year remaining) together guarantee that within a normal five-year term there can be at most one dissolution and therefore at most one snap election. We deliberately avoided an explicit "only once per term" rule. The implicit version is superior because it automatically produces two reasonably balanced parliamentary terms. This creates a genuine mid-term parliamentary election—a feature normally found only in pure presidential systems—but with two important improvements: ours is flexible (it occurs "around the middle" rather than rigidly at the halfway mark, and it is contingent and infrequent rather than automatic and guaranteed every term. Hence, the result is a hybrid mechanism that borrows the stabilising rhythm of American-style mid-terms while preserving full parliamentary logic and avoiding the forced, mechanical cadence of fixed-term presidential legislatures.
2. Placing the initiative with the prime minister (rather than the president) is a deliberate and crucial safeguard. Given the president's higher ceremonial rank, if the president had the initiative to dissolve the assembly, the prime minister's opinion would be reduced to mere advice. A strong-willed president could easily use dissolution as a political weapon to discipline or eliminate an uncooperative parliamentary majority—reproducing the well-known "presidential conquest of parliament" problem seen in some semi-presidential systems. In our design, dissolution instead requires the active concurrence of both heads of the executive: the prime minister must take the political risk of requesting it, and the president must agree to grant it. This high double hurdle means that dissolution will almost never be used for partisan manoeuvring. The only realistic scenario in which both will agree is when the assembly has become deeply fragmented or ungovernable and the prime minister—having lost workable parliamentary support—turns to the president as an ally of last resort. Such acute deadlock is, by design, extremely uncommon. That is precisely why the article imposes no additional triggers or justifications for the prime minister's advice.
3. A legitimate concern is that, while the probability density of dissolution at any single moment is extremely low, the two-year window is long enough for the cumulative probability to become significant. Some drafters therefore believe restrictions are needed. We remain neutral on that question, but two points deserve attention:
    - General elections in the United States occur every two years. Under the present scheme, even with one snap election per five-year term, the average interval between elections is 2.5 years—meaning elections remain less frequent than in the United States.

 doi:10.20944/preprints202512.0343.v1

- A prime minister who advises dissolution on insufficient grounds will face strong disapproval from deputies, sharply reducing his or her chances of re-election as prime minister. This heavy political cost serves as a powerful deterrent against abusive dissolutions.

4. The current mechanism also clearly outperforms the earlier "Request for Successor" (RFS) model we considered. Under RFS, deputies who feared losing their seats could be pressured into installing a prime minister they only half-heartedly supported, simply to avoid immediate dissolution. Once the new government was in place, however, nothing stopped the same deputies from obstructing major legislation with impunity. The RFS therefore offered no lasting penalty for parliamentary obstructionism and left the prime minister without any credible counter-threat. By contrast, the present system gives the prime minister a powerful, ongoing deterrent. He or she can quietly monitor each member's voting record and level of cooperation on ordinary legislation and, when the two-year window opens, decide—in coordination with the president and guided by public opinion—whether to advise dissolution and at the most advantageous moment. The possibility of an early election thus becomes a real, selective sanction that encourages responsible behaviour throughout most of the term. The sole period in which this lever is unavailable is the interval immediately following a snap election. This temporary asymmetry is acceptable, as prime-ministerial countercheck is not the only quality indicator of a constitutional scheme.
5. Paragraph 3 may appear unusual at first glance, but it serves an important purpose. Once the assembly is dissolved, the prime minister (or the same person continuing as caretaker) is expected to lead the governing side's election campaign. Retaining the office throughout the campaign is a significant political advantage. For the president to remove that person would be an act of extreme political hostility that could decisively tilt the electoral playing field. Although such presidential interference would be almost unthinkable in stable democracies, the constitution must still forbid it explicitly. No living constitution contains an identical rule, for a simple reason: every existing system that grants the prime minister genuine initiative in dissolution is a Westminster-style parliamentary country, where the head of state is ceremonial and constitutionally incapable of dismissing the prime minister. In a semi-presidential framework like ours, where the president possesses real executive power, this additional safeguard is both novel and indispensable.
6. Remember in Section 3.1 that Article C1 establishes a prohibition on nomination "during the six-day period following the President's receipt of the Prime Minister's advice to dissolve the National Assembly". Consider the scenario without this prohibition: The prime minister submits advice for dissolution, then suddenly resigns, and the president nominates a candidate for Prime Minister. The president then proceeds to dissolve the assembly, leaving it unable to nominate its own candidate. In this case, the president would be free to appoint his or her own choice as Prime Minister. This prohibition is intended to close that potential loophole.

3.5. The Dismissal Provisions

The president's power to appoint and dismiss the prime minister is deliberately split into two complementary provisions. The first is an "enabling" provision, normally placed in the "Powers of the President" article. The power of the president to dismiss the prime minister is not universal in semi-presidential systems; several such systems (Austria, Iceland, Ireland, Slovenia, and formerly Finland and Croatia) grant the president no dismissal authority at all. It is for this particular reason that this enabling provision (C9) is included in the present scheme. The president's power to appoint and dismiss the caretaker prime minister has already been included in Article C2.

Provision C9
The President appoints and dismisses the Prime Minister, in accordance with this Constitution.

And then the "disabling" article, which we also call the "presidential dismissal" article.

 doi:10.20944/preprints202512.0343.v1

Article C10
The President shall not dismiss the Prime Minister:
- if the Prime Minister has formal legislative confidence;
- while the National Assembly stands dissolved; or
- during the final sixty days of the President's term of office.

While the National Assembly stands dissolved, the President shall not dismiss or replace the Caretaker Prime Minister whose advice led to that dissolution in his or her capacity as Prime Minister.

This article is to prevent the president from removing a prime minister who still enjoys parliamentary confidence or who has triggered an election (the same reason as in explanation item 5 in the previous subsection). For the prime minister (or caretaker) who advised the dissolution, this article provides protection throughout the period when the assembly is dissolved. Note that in Item 2, Paragraph 1 of this article, there is no need for wording such as "the Prime Minister whose advice led to the dissolution", because under this constitution, the prime minister can only be the dissolution adviser, or vacant, no other possibility.

A final technical nuance distinguishes the appointment of a full prime minister from that of a caretaker prime minister. The office of Prime Minister can only be filled when it is vacant. By contrast, under Article C2, a caretaker prime minister may be replaced directly by the appointment of a successor; no prior act of dismissal or removal is required. This difference is a logical outcome of evolution: Since a caretaker prime minister can be quietly replaced by an official prime minister, why can't he or she be quietly replaced by a new caretaker prime minister?

3.6. The Prime Minister Resignation Article

In the United States, the entire administration automatically ceases to hold office the moment the president leaves (so that incoming presidents always inherit vacant cabinet posts). On the contrary, nearly all parliamentary and semi-presidential systems treat ministerial tenure individually. Ministers and the prime minister do not vacate their posts automatically upon a change of president or even upon a change of Prime Minister; they remain in office until they tender their resignation or are dismissed.

In parliamentary and semi-presidential systems, some countries require the prime minister to resign when the new parliament convenes; most do not. Where resignation is not mandatory, the assumption is that a defeated prime minister will resign voluntarily or will quickly face a no-confidence vote. The resignation requirement is therefore unnecessary.

In the present scheme, the prime minister must resign when the newly elected assembly convenes. Without this requirement, a prime minister defeated at the election could otherwise remain in office indefinitely, as removing him or her would require a strong (five-ninths) no-confidence vote rather than a simple majority. Mandatory resignation therefore ensures that electoral defeat automatically ends the old mandate.

Article C11
The Prime Minister shall cease to hold office immediately upon the commencement of the term of the newly elected National Assembly. On that day, he or she shall tender his or her resignation to the President.

There are a few points worth noting.

1. When the general election is an ordinary one, the president who receives the prime minister's resignation is still the outgoing president; the newly elected president takes office only two weeks later. Article C1 prohibits any nomination for the new prime minister during this brief interregnum. However, the newly convened assembly is free to immediately begin its own internal proceedings—including the official nomination process at parliamentary level, debates,

 doi:10.20944/preprints202512.0343.v1

and any required hearings or votes—while informal consultations and inter-party negotiations may of course continue in parallel.

2. The present scheme deliberately avoids the traditional terms "government" and "cabinet" in formal text. The reason is simple: unlike classic parliamentary systems, the tenure of individual ministers is not tied to that of the prime minister. Ministers remain in office until they resign voluntarily or are dismissed by the president upon the proposal of a new prime minister. This decoupling can produce the seemingly odd situation in which the prime minister has already been reduced to caretaker status (or has even completely left), while the ministers he or she leads continue to hold full office and exercise their powers. Although unusual at first glance, this arrangement ensures continuity of day-to-day administration during transition periods.
3. Scheme B contained a special "prime-ministerial resignation provision" (Provision B5, treated here as Article B5). Although Article B5 and the present Article C11 appear similar at first glance, they are based on different mechanisms.
    - Article B5 existed solely to enable a newly elected president to replace an incumbent prime minister, because the president otherwise normally lacked the power of dismissal. No parallel mechanism was needed for the assembly, which could appoint (or replace) a prime minister at any time, vacancy or not.
    - Article C11, by contrast, is designed primarily to allow a newly elected assembly to install its own prime minister. Because presidential and legislative elections are concurrent, the same article simultaneously (and without additional machinery) empowers the newly elected president to do the same.

    This elegant dual effect—serving both the new assembly and the new president through a single provision—is the direct and intended consequence of electoral synchronisation.

3.7. Implicit Semi-Presidential Background Rules

The proper functioning of the present scheme rests on several background rules that are common to virtually all semi-presidential systems worldwide. These rules, which require no explicit restatement here, include the following:

- Acts of the president that the constitution expressly subjects to the countersignature of the prime minister (or another minister) are devoid of legal effect unless countersigned. Conversely, acts of the president that the constitution does not require to be countersigned are valid without ministerial countersignature and engage only the president's own authority.
- The president appoints and dismisses ordinary ministers solely on the proposal of the prime minister; no parliamentary approval is required for such appointments or dismissals.
- The term of the president, the tenure of the prime minister, and the tenure of ordinary ministers are mutually independent.

In addition, because the present scheme systematically accommodates minority governments that may lack stable parliamentary support, the president is granted two specific reinforcing powers designed to strengthen the executive's bargaining position in the legislative process:

- **Legislative veto power:** The president may veto legislation (subject to the usual constitutional override mechanisms). This power, comparable to that exercised by the presidents of Poland, Portugal, and Ukraine, enables the executive to check an overreaching parliamentary majority and improves the government's negotiating leverage with parliamentary factions.
- **Reserved domain in defence and foreign affairs:** The president retains final authority over the appointment of the Ministers of Defence and Foreign Affairs as well as the direction of military and foreign policy, following the well-established French model and practices in several other semi-presidential systems.

 doi:10.20944/preprints202512.0343.v1

4. Comparative Analysis and Discussions

4.1. Comparison Between Scheme C and Schemes A,B

The present scheme (Scheme C) is the third iteration in a series of constitutional designs developed by the author. The first iteration, being markedly archaic in approach, is omitted from this comparison. The key similarities and/or differences between the present Scheme C and its immediate predecessor, Schemes A and B, are summarised below.

Table 1

Aspect	Article in Scheme C	Counterpart in Schemes A,B	Nature of Inheritance
Investiture during Vacancy	Article C1	Article A1	Nearly the same
Caretaker Prime Minister	Article C2	Articles A2,B2	Nearly the same
Composition of Cabinet	Article C3	Articles A3,B3	Major shift from **Separation of Powers** to **Capped Legislative-Executive Overlap**
Vote of No-Confidence	Article C7	Articles A4,B4	Major shift from **constructive** to **ordinary** vote of no-confidence, two levels of adoption, supermajority required for immediate removal
Dissolution of Assembly	Article C8	Article A5	Major shift from **Request for Successor** to **Prime-Ministerial Advice Subject to Presidential Discretion**
Presidential Dismissal	Article C10	Provisions A6,B6	Minor change, all based on **formal legislative confidence**
Prime Minister Resignation	Article C11	Provision B5	Seemingly similar, but in fact based on different mechanisms
Elections and Terming	Articles C4-C6	None	Inspired from the American model

4.2. Comparison Between Scheme C and the Constitutions of Westminster Countries, France, and the United States

Although many features of Scheme C coincide with practices found in Westminster countries, France, and the United States, and elsewhere, these similarities are not the product of deliberate borrowing. They arise naturally from the consistent application of a single coherent logic to the chosen premises of the system.

With classic Westminster systems, it shares two signature features: (1) Dissolution is initiated by prime-ministerial advice, and (2) Ordinary ministers enjoy independent tenure—the fall or resignation of the prime minister does not automatically vacate their offices. But there are also two important differences: (1) The popularly elected president retains genuine discretion whether to accept the

 doi:10.20944/preprints202512.0343.v1

advice, whereas Commonwealth monarchs are bound to grant it. (2) In classic Westminster systems, a prime minister normally calls an early election to seek a fresh personal mandate and a new full term. In Scheme C, dissolution can never serve that purpose: an early election cannot extend the prime minister's or the government's tenure beyond the already-scheduled next ordinary general election, and therefore functions only to break legislative obstruction or discipline the assembly.

With the French Fifth Republic, Scheme C shares the basic semi-presidential framework and, more concretely, a strong presidential "reserved domain" in foreign policy and national defence, including personal authority over the relevant ministers and the supreme command of the armed forces. It also adopts a robust presidential legislative veto. Unlike France, however, it stabilises rather than discourages minority governments and secures the prime minister's ability to seek dissolution even after losing confidence.

With the United States, the resemblance is narrower but distinctive: presidential and legislative elections are synchronised, and a regular legislative election is held approximately midway through the presidential term. This creates the same "honeymoon + mid-term verdict" rhythm familiar from American politics, offering voters a periodic rebalancing mechanism without adopting fixed executive terms or separation of powers.

In short, Scheme C combines Westminster operational continuity and prime-ministerial initiative on dissolution, French-style presidential counterweights in foreign affairs and legislation, and an American electoral cadence—producing a system that is simultaneously flexible, stable, and periodically accountable in an age of fragmented parliaments.

4.3. A Note on Formal Legislative Confidence

The concept of formal legislative confidence (FLC) is the most enduring and consequential innovation of the present scheme. Together with the short-lived Request for Successor (RFS), it was first introduced in [1]; RFS was later abandoned, but FLC has proved robust and indispensable.

A deeper principle embedded in FLC is simple yet powerful: the assembly should never hold a stand-alone vote whose sole purpose is to test the existence of confidence. Confidence test should always be the by-product of a substantive act (either the investiture of a new prime minister or the removal of an incumbent). A dedicated confidence motion initiated by the prime minister merely to secure "formal legislative confidence" and thereby shield himself from presidential dismissal would violate this principle. Moreover, such a manoeuvre would needlessly strain the relationship between the two heads of the executive.

For these reasons, the scheme deliberately rejects government-initiated confidence votes that serve only a defensive or procedural function. Formal legislative confidence is acquired conditionally upon the prime minister's investiture and is thereafter retained or lost only through a vote of no-confidence—never by a gratuitous, self-protective confidence motion.

4.4. Anti-Dictatorship Tendency of Scheme C

A common concern with semi-presidential systems is that, when the president's party wins a clear majority in the assembly, the president may become over-mighty or even dictatorial. Scheme C, however, contains a built-in and almost automatic corrective.

When the presidential camp controls the assembly, the majority will inevitably elect its own leader (or the president's designated lieutenant) as prime minister. That prime minister will comfortably pass investiture and acquire formal legislative confidence, which constitutionally shields him from unilateral dismissal by the president. Backed by a solid parliamentary majority, the prime minister inevitably emerges as a genuine second power centre—someone who commands the legislative agenda, controls government appointments, and can openly disagree with the president without risking his position.

Far from concentrating power in presidential hands, this configuration tends to fragment it: the president remains the directly elected head of state with strong prerogatives in foreign affairs and defence policy, but day-to-day governance and domestic legislation lie with a prime minister who

 doi:10.20944/preprints202512.0343.v1

enjoys independent democratic legitimacy through the assembly. The result is a natural balance of authority within the same political camp.

Thus, paradoxically, the scenario that most worries critics—unified control by the president's party—is precisely the one in which Scheme C most reliably prevents personal dictatorship. The soil for authoritarian rule is poorest where the same party wins everything.

5. Conclusions

Scheme C represents a natural evolution from the earlier Schemes A and B, which had already solved—or at least stabilised—many of the hardest problems of semi-presidential design:

- a fully theorised, deadlock-proof investiture procedure capable of producing and sustaining minority governments;
- the principle of formal legislative confidence (FLC), which finally gave constitutional shape to the president's dismissal power;
- a carefully delineated regime for the caretaker prime minister, whose value had only been discovered when designing this latest scheme.

Yet one decisive weakness remained: Schemes A and B gave the prime minister no real defence, or countercheck, against a hostile or fragmented assembly. The system therefore still tilted toward governmental weakness whenever a stable majority was absent.

Synchronising presidential and legislative elections proved to be the master key. Once the president and the assembly are elected together, a host of earlier complications simply evaporated: interregnum crises, conflicting legitimacy claims, and the need for artificial resignation mechanisms all disappeared overnight. With that simplification in place, the remaining choices became remarkably constrained—and remarkably clear:

- The short-lived "Request for Successor" device was discarded; it could not reliably compel parliamentary cooperation and merely complicated the text.
- Direct dissolution returned to the table, this time unencumbered by constructive-vote requirements or complex triggers. Among the available models, the Westminster tradition of prime-ministerial initiative offered the cleanest and most proven solution—and was therefore adopted.
- The requirement for dissolution that both heads of the executive must concur already constitutes a stringent safeguard. Any further restrictions beyond the time window were therefore discarded: to impose them would be to signal distrust in the political judgement of the two leaders.

The final picture is therefore strikingly coherent:

- Dissolution is placed in the prime minister's hands (Westminster).
- The president retains the discretion on dissolution, a reserved domain and veto (France).
- Elections follow an American-style synchronised and semi-mid-term rhythm.
- Confidence mechanism is unique among existing constitutions. Votes of confidence are constitutionally recognised only during investiture. The vote of no-confidence, by contrast, is highly innovative: it operates at two levels of adoption. Strong adoption immediately removes the prime minister; ordinary adoption merely deprives him of formal legislative confidence (FLC). The underlying procedure remains the classic (non-constructive) no-confidence vote. This two-tier design deliberately protects minority governments while preserving the ultimate parliamentary accountability.

We regard Scheme C not as a universal panacea, but as an exceptionally coherent and resilient model that merits serious consideration wherever parliamentary fragmentation, minority governments have become the norm rather than the exception.

For countries seeking simultaneously strong democratic accountability, governmental continuity, and robust safeguards against both presidential overreach and legislative paralysis, Scheme C offers a proven, battle-tested architecture ready for adaptation and adoption.

 doi:10.20944/preprints202512.0343.v1

References

1. Cheng, Y. (2025b). Game-based schemes for prime minister selection in multi-party semi-presidential systems (Preprint). Preprints.org. Retrieved from https://doi.org/10.20944/preprints202507.2439 doi: 10.20944/preprints202507.2439.v1
2. Cheng, Y. (2025a). A game-based scheme for prime minister approval in Korea-like presidential systems (Preprint). Preprints.org. Retrieved from https://doi.org/10.20944/preprints202501.0454.v3 doi: 10.20944/preprints202501.0454.v3
3. Becher, M., & Christiansen, F. J. (2015). Dissolution threats and legislative bargaining. American Journal of Political Science, 59(3), 641–655. doi: 10.1111/ajps.12154
4. Schleiter, P., & Morgan-Jones, E. (2009). Constitutional power and competing risks: Monarchs, presidents, prime ministers, and the termination of east and west european cabinets. American Political Science Review, 103(3), 496–512. doi: 10.1017/S0003055409990062
5. Goplerud, M., & Schleiter, P. (2016). An index of assembly dissolution powers. Comparative Political Studies, 9(4), 427–456. doi: 10.1177/0010414015621076
6. Schleiter, P., & Morgan-Jones, E. (2010). Who's in charge? Presidents, Prime Ministers, and formal powers. Comparative Political Studies, 43(11), 1415–1442. doi: 10.1177/0010414010374024
7. Strøm, K. (2000). Delegation and accountability in parliamentary democracies. European Journal of Political Research, 37(3), 261–289. doi: 10.1111/1475-6765.00513
8. Elgie, R. (2011). Semi-presidentialism: Sub-types and democratic performance. Oxford University Press.
9. Lazardeux, S. (2005). Dissolution and cohabitation in the French Fifth Republic. West European Politics, 28(5), 1005–1026. doi: 10.1080/01402380500310609
10. Shugart, M. S., & Carey, J. M. (1992). Presidents and assemblies: Constitutional design and electoral dynamics. Cambridge University Press.