



Electoral Processes Report

Candidacy Procedures, Media Access, Voting and Registration Rights, Party Financing, Popular Decision-Making

Sustainable Governance Indicators 2017

Indicator

Candidacy Procedures

Question

How fair are procedures for registering candidates and parties?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Legal regulations provide for a fair registration procedure for all elections; candidates and parties are not discriminated against.
- 8-6 = A few restrictions on election procedures discriminate against a small number of candidates and parties.
- 5-3 = Some unreasonable restrictions on election procedures exist that discriminate against many candidates and parties.
- 2-1 = Discriminating registration procedures for elections are widespread and prevent a large number of potential candidates or parties from participating.

Australia

Score 10

The Australian Electoral Commission (AEC) is an independent statutory authority that oversees the registration of candidates and parties according to the registration provisions of Part XI of the Commonwealth Electoral Act. The AEC is accountable for the conduct of elections to a cross-party parliamentary committee, the Joint Standing Committee on Electoral Matters (JSCEM). JSCEM inquiries into and reports on any issues relating to electoral laws and practices and their administration.

There are no significant barriers to registration for any potential candidate or party. A party requires a minimum of 500 members who are on the electoral roll. A candidate for a federal election must be an Australian citizen, at least 18 years old and must not be serving a prison sentence of 12 months or more, or be an undischarged bankrupt or insolvent.

There have been no changes to the laws relating to candidacy procedures in the period under review, and the process remains open, transparent and in line with international best practices.

Canada

Score 10

The right to be a candidate in a federal election is laid down in the Canadian Charter of Rights and Freedoms, with the associated procedures and responsibilities specified in the Canada Elections Act. There are virtually no restrictions on becoming a candidate for election. Almost all Canadian citizens 18 years old or over can present themselves as candidates for federal elections. Exceptions include members of provincial or territorial legislatures, certain judges, election officers, persons who

were candidates in a previous election but who did not conform to the expense-reporting rules, and persons imprisoned in a correctional institution. There is no cost to being a candidate in a federal election. A CAD 1,000 deposit is required, but this is reimbursed if the candidate's official agent submits the electoral campaign return after the election within the prescribed time. Administrative procedures are not onerous (a nomination form is required containing signatures by either 50 or 100 persons residing in the constituency in which the candidate wants to run, with the number depending on the electoral district's population).

Czech Republic

Score 10

Electoral registration procedures are fair and transparent. To establish a political party, three citizens aged 18 or over need to submit the new party's statutes to authorities, backed by 1,000 signatures. The 1991 law on political parties and movements establishes conditions to exclude parties that lack democratically elected organs, that break the law, that aim to remove the democratic foundations of the state or take power for itself, that restrict the freedoms of other parties, or that threaten morality and public order. Calls to ban the Communist party have not faded, but no legal steps have been taken and there is no consensus that such steps are necessary. As of November 2016, there were 215 active political parties and political movements.

Denmark

Score 10

The basic rule for candidacy procedures is laid out in section 30 of the Danish constitution: "Any person who is entitled to vote at Folketinget (parliamentary) elections shall be eligible for membership of the Folketinget, unless he has been convicted of an act which in the eyes of the public makes him unworthy to be a member of the Folketinget." It is the unicameral parliament (Folketinget) itself, which, in the end, decides whether a conviction makes someone unworthy of membership. In practice, political parties play an important role in selecting candidates for elections. It is possible to run in an election in a personal capacity, but extremely difficult to be elected that way. Given the relatively high number of political parties, it is reasonably easy to become a candidate for a party. There is also the possibility of forming a new party. New parties have to collect a number of signatures to be able to run, corresponding to 1/175 of the number of votes cast at the last election.

Citation:

The Constitutional Act of Denmark of June 5, 1953, <http://www.eu-oplysningen.dk/upload/application/pdf/0172b719/Constitution%20of%20Denmark.pdf> (accessed 15 April 2013).

Henrik Zahle, *Dansk forfatningsret I: Institutioner og regulering*. Copenhagen: Christian Ejlers' Forlag, 2005.

Jørgen Grønnegård Christensen og Jørgen Elklit (eds.) *Det demokratiske system*. 4. udgave. Hans Reitzels Forlag, 2016.

Estonia

Score 10

The principles of fair and free elections are laid out in the Estonian constitution. Estonia has a proportional representation electoral system, which means that most candidates are registered within party lists. The composition of party lists is a matter of internal procedures that are set by the statute of the political party. Only officially registered political parties can nominate candidate lists in parliamentary elections. In order to be registered, a political party must have at least 500 permanent members, lists of whom are made public online. For each candidate, a deposit equal to the monthly minimum wage must be paid. In addition to political parties, two or more citizens can form an election coalition to participate in municipal elections. Every person who has the right to stand as a candidate may nominate him or herself as an independent candidate. Independent candidates can participate in parliamentary, local and European Parliament elections.

The largely ceremonial Estonian president is elected by the parliament or a special Electoral College composed of members of parliament and representatives of local councils. Candidates must be nominated by at least one-fifth of the serving members of parliament.

Citation:

Estonian National Electoral Committee <http://www.vvk.ee/?lang=en>

Finland

Score 10

The electoral process in Finland is free and fair, and the country's constitution grants Finnish citizens the right to participate in national elections and referendums. Registered political parties have the right to nominate candidates, though all voters have the right to influence the nomination process. Electoral associations of at least 100 enfranchised citizens also have the right of nomination. However, the role of these associations has been marginal. Candidates for presidential elections can be nominated by any political party that is represented in parliament at the time of nomination. Again, however, candidates may also be nominated by associations of at least 20,000 enfranchised citizens. Presidential candidates must be Finnish citizens by birth, while young people under guardianship and those in active military service cannot stand as candidates in parliamentary elections. The procedure for registering political parties is regulated by the Party Law of 1969. Parties which fail to elect representatives to parliament in two successive elections are removed from the list of registered parties. However, by gathering signatures of 5,000 supporters, a party may be re-registered.

Citation:

Dag Anckar and Carsten Anckar, "Finland", in Dieter Nohlen and Philip Stöver, eds. *Elections in Europe. A Data Handbook*, Nomos, 2010.

France

Score 10

The electoral process is fair at all levels, and controls by ad hoc commissions or the judiciary ensure the smooth running of elections. There are some restrictions to assure that only serious candidates stand in presidential contests. These include a requirement that each potential candidate has to obtain 500 signatures of support from elected persons, such as mayors or senators, from a third of French départements, or counties, to prove his or her political relevance. In addition, candidates must pay a deposit of €15,000. But these restrictions do not limit the number or variety of political backgrounds of candidates. Further restrictions in order to limit abuses will be implemented in 2017. Spending is capped and now includes expenses for the primaries. In most local and national elections, many candidates decide to run as they often can benefit from advantages that help facilitate the variety of candidates, such as the free provision of electoral materials or a partial reimbursement of expenses for candidates who win more than 5% of the vote. Electoral fraud is exceptional but financial cheating is frequent as evidenced by the condemnation of Nicolas Sarkozy for the hidden costs of his 2012 campaign. Some limitations are imposed on anti-constitutional parties. These restrictions, however, are exceptional.

Germany

Score 10

Germany's constitution ensures that members of the Bundestag, the country's lower parliamentary house, are elected in general, direct, free, equal and secret elections for a legislative period of four years (Basic Law, Arts. 38, 39). Parties that defy the constitution can be prohibited by the Federal Constitutional Court.

The Political Parties Act (Parteiengesetz, PPA) sets general criteria for the management of political parties and candidates. While independent candidates have to fulfill a signature gathering prerequisite (modest by international standards) in order to qualify for the ballot, parties must meet strict organizational requirements (PPA Section II). If parties have continuously held at least five seats in the Bundestag or a state parliamentary body (Landtag) during the last legislative period, they are allowed run in the election without any initial approval from the Federal Election Committee (Bundewahlausschuss, FEC).

Greece

Score 10

There is no discrimination in registration procedures and no potential candidates or parties are prevented from participating in elections. Exceptions include, for example, active military officers, who cannot run for office. Prison convicts are the

only citizens that can face voting restrictions: prisoners serving either indefinite or life sentences are disqualified, otherwise the matter is left to the discretion of the sentencing court.

Before elections, parties and candidates are required to submit a petition to the highest civil and criminal court (Areios Pagos) which monitors formalities such as checking that no other parties have the same name.

The legality or fairness of elections is not challenged by parties nor candidates. Despite the acute political conflict with respect to the causes and management of the crisis, the conduct of electoral procedures in Greece is reliable. Indeed, the two parliamentary elections which took place in Greece in January and September 2015 were smoothly organized and, in budgetary terms, cost much less than previous national elections (each of the two elections cost approximately €50 million).

Citation:

Regulations for registering a candidate are listed in article 55 of the Constitution, while incompatibilities are listed in articles 56, 57 and 58. For the relevant provisions of the Constitution, translated into English, see <http://www.venice.coe.int/VOTA/en/s tart.html> [accessed on 11.05.2013].

Ireland

Score 10

On 6 May 2016, 70 days after the general election, a minority government – the first since 1997 - was formed by the previous taoiseach, Enda Kenny. This Fine Gael-led minority government replaced the two-party coalition of Fine Gael and the Labour Party that had taken office in March 2011. The 2011 general election had focused on the weakness of the economy after the four economic crises that had enveloped the economy between 2008 and 2011, namely the property market crash, banking collapse, fiscal downturn and financial crisis. In the 2011 general election, a highly dissatisfied electorate voted overwhelmingly against Fianna Fáil and its coalition partners enabling the coalition of Fine Gael and the Labour Party to take office with the support of 113 of the 166 deputies.

Despite redressing the effects of the four economic crises and the return of high economic growth rates, the ruling coalition government was ousted from office. The outgoing Fine Gael-Labour Party coalition campaigned under the slogan of “let’s keep the recovery going.” However, this slogan failed to understand the experiences of a sizeable proportion of the electorate. Many voters felt that they had not benefited from the apparent improvement in the economy. In the 2016 general election, the coalition government lost a combined 57 seats with Fine Gael losing 27 seats and the Labour Party losing 30 seats. Fianna Fáil, the *bête noire* of the electorate in the previous election, regained 25 seats and Sinn Féin, an Irish republican party, increased its number of seats to 23.

The election also marked the further rise in the number of independents to 23 seats and marginal parties, including the Anti-Austerity Alliance–People before Profit (6

seats), the Social Democrats (3 seats) and the Greens (2 seats). The 2016 general election was characterized by the high level of fragmentation of the party system with historically low levels of support for the three largest parties. The combined proportion of votes won by Fine Gael, Fianna Fáil and the Labour Party dropped to 56% from a long-term average of 84%.

The result of the 2016 general election has been described by leading political analysts, Michael Gallagher and Michael Marsh of Trinity College Dublin, as the election that nobody won.

Notwithstanding this, the two leading center-right parties Fine Gael (49 seats) and Fianna Fáil (44 seats) had sufficient seats to form a center-right government. The outgoing taoiseach, Enda Kenny, offered his Fianna Fáil counterpart, Micheal Martin, a full partnership government. However, initial discussions failed. Eventually, over two months after the election, Fianna Fáil agreed to abstain on votes relating to parliamentary confidence until the end of 2018 (with a provision to renew this arrangement). This enabled Mr. Kenny to form a Fine Gael minority government with the support of nine independent deputies, three of whom were given senior ministerial positions.

The impact of gender quotas significantly changed candidate selection processes for the 2016 general election. The Electoral (Amendment) (Political Funding) Act 2012 encourages political parties to select at least 30% female candidates with the threshold rising to 40% by 2023. Parties that fail to reach this threshold lose half of their state funding. This reform had an immediate impact on the 2016 general election. In 2011, 15% of selected candidates were women. In 2016, this had increased to 29.6%. In terms of women elected as teachta dálas (members of parliament), the improvement was more modest, but still rose from 15% in 2011 to 22% in 2016.

Citation:

Michael Gallagher and Michael Marsh (eds.) *How Ireland Voted 2016 The Election that Nobody Won* (Palgrave Macmillan published by Springer International, Switzerland, 2016)

Michael Gallagher, 'Ireland's Earthquake Election: Analysis of the Results', in Michael Marsh and Michael Gallagher (eds) *How Ireland Voted 2011: The Full Story of Ireland's Earthquake Election*. London: Palgrave.

Fiach Kelly. 'Kenny's ceann comhairle move could bring trouble his way', *The Irish Times*, 9 Jan. 2016.

Fiona Buckley, Yvonne Galligan and Claire McGing, 'Women and the Election: Assessing the Impact of Gender Quotas', in Michael Gallagher and Michael Marsh (eds.) *How Ireland Voted 2016 The Election that Nobody Won* (Palgrave Macmillan).

Luxembourg

Score 10

The electoral law presents no restrictions on the registration of political parties. There are no restrictions regarding candidates, except the provision that those deprived of their civic and political rights by a judicial decision are prevented from running. Candidate lists, complete or partial, are proposed for each of the four

electoral districts by political parties, associations of candidates or individuals. The lists are supported either by 100 voters who are registered in the district, by an elected member of parliament from the district, or by three members of the municipal councils. The electoral lists can consist of single individuals who are not affiliated with a political party. Typically, single issues are the motivation in these cases. The total number of candidates on a list cannot exceed the number of seats to be allocated in the district.

Citation:

“Chambre des députés.” Le portal de l’actualité gouvernementale, 10 Sept. 2014, www.gouvernement.lu/1719091/chambre-deputes. Accessed 21 Feb. 2017.

“Elections.” Le guide administratif de l’Etat luxembourgeois, www.guichet.public.lu/citoyens/fr/citoyennete/elections/index.html. Accessed 21 Feb. 2017.

Les institutions du Grand-Duché de Luxembourg. Le Service information et presse du gouvernement luxembourgeois, 2005. www.gouvernement.lu/1824230/A_propos_Institutions_politiques-FR.pdf. Accessed 21 Feb. 2017.

“Mémorial A n° 166 de 2009.” Journal officiel du Grand-Duché de Luxembourg, 21 July 2009, legilux.public.lu/eli/etat/leg/memorial/2009/166#page=5#page=2. Accessed 21 Feb. 2017.

“Système électoral.” Le portal de l’actualité gouvernementale, 10 Sept. 2014, www.gouvernement.lu/1719337/systeme-electoral. Accessed 21 Feb. 2017.

Élections législatives, européennes et communales. Ministère d’État, 2016. data.legilux.public.lu/file/eli-etat-leg-recueil-elections-20161221-fr-pdf.pdf. Accessed 21 Feb. 2017.

Netherlands

Score 10

With a score of 79 out of 100 points the Netherlands ranked 8 out of 158 countries in the mid-2016 Perceptions of Electoral Integrity Index, after Denmark (score 86), Finland, Norway, Sweden, Costa Rica, Germany and Estonia. Its highest scores are in the areas of electoral laws and electoral procedures; it achieves somewhat lower scores in the areas of voter registration and party and candidacy registration. The country’s electoral law and articles 53 through 56 of the constitution detail the basic procedures for free elections at the European, national, provincial and municipal levels. The independence of the Election Council (Kiesraad) responsible for supervising elections is stipulated by law. All Dutch citizens residing in the Netherlands are equally entitled to run for election, although some restrictions apply in cases where the candidate suffers from a mental disorder, a court order has deprived the individual of eligibility for election, or a candidate’s party name is believed to endanger public order. Anyone possessing citizenship – even minors – can start a political party with minimal legal but considerable financial constraints. In the local elections of 2014, a considerable number of voters took selfies in the ballot booth in which their ballot-sheet votes were clearly visible. The Electoral Council later ruled that selfies were permitted, but only when the ballot sheet was not visible, as this violated the secrecy rule. Some argue that party-membership and party-caucus rules strongly diminish formal equality with regard to electoral-system accessibility.

Political parties with elected members receive state money (subsidies and other benefits), while qualifying as a new party necessitates payment of a considerable entry fee. The country tolerates one political party, the Party for Freedom, which is un-democratic in its internal organization, with only one member - the leader of the party.

Citation:

Perception of Electoral Integrity Index, 2016 (poseidon01.ssrn.com, sites.google.com, consulted November 8 2016)

Eerlijke verkiezingen (eerlijke.verkiezingen.nl, consulted 26 October 2015)

New Zealand

Score 10

The registration procedure for political parties and individual candidates in New Zealand, as specified in the 1993 Electoral Act, is fair and transparent. Following the Electoral (Administration) Amendment Act 2010, the tasks of the Electoral Commission and of the Chief Electoral Office have been combined within the Electoral Commission, which started work in October 2010.

The Electoral Act specifies that registered political parties follow democratic procedures when selecting parliamentary candidates. While the two major parties adopt a mixture of delegate and committee systems when making their selections, the Greens give their membership the final say. The small parties by contrast tend to be more centralized both in the way they select constituency candidates and in the compilation of their party lists. Since the Act was passed, there has been only one formal challenge alleging that proper procedures had not been followed. The resulting judicial challenge was unsuccessful.

Citation:

Annual Report of the Electoral Commission for the year ended 30 June 2016 (Wellington: Electoral Commission 2016).

Electoral Act 1993 (Wellington: The Government of New Zealand 2012).

Changes to Electoral Act introduced. 22 September 2016 (<https://www.beehive.govt.nz/release/changes-electoral-act-introduced>) (accessed 3 December, 2016).

Electoral (Administration) Amendment Act 2010 (Wellington: The Government of New Zealand 2010).

Edwards, Bryce, 2016. Political Roundup: What's wrong with local government? New Zealand Herald. 27 September 2016 (http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=11717848).

Norway

Score 10

Procedures for registering candidates and political parties are considered to be fair, and have not been questioned or debated publicly in recent years. No candidate or party faces discrimination. The only requirement for starting a party is that at least 5,000 signatures from Norwegian citizens who have the right to vote must be collected. Parties nominate candidates.

Poland

Score 10

Regulations governing the electoral process were consolidated within the election code in January 2011. Provisions regarding the registration of parties and candidates are liberal and ensure a fair registration procedure. Every Polish citizen has the right to stand for election. Senators need to be at least 30 years old, while presidential candidates must be at least 35. Candidates for the Sejm (the lower house of the Polish parliament) can be proposed by organizations such as parties or by voters themselves. A group of 1,000 individual citizens or more can form a so-called electoral committee by signing the proper documentation and submitting it to the National Electoral Commission. Parties representing ethnic minorities receive favorable treatment, as they are allowed to collect fewer signatures than required of “normal” parties in order to take part in elections. The election code also introduced a gender quota, mandating that men and women each must account for at least 35% of Sejm candidate lists. There were no signs of discrimination against specific candidates and parties in any of the last elections held – the presidential elections in May 2015 and the parliamentary elections in October 2015. There are, however, not enough qualified female candidates in local elections.

Citation:

Markowski, R. (2016): The Polish Parliamentary Election of 2015: A Free and Fair Election That Results in Unfair Consequences, in: *West European Politics* 39(6), 1311-1322.

Markowski, R., M. Kotnarowski, M. Wenzel, M. Żerkowska-Balas (2015): *Democratic Audit of Poland 2014*. Frankfurt, M.: Peter Lang.

OSCE/ODIHR (2016): *Election Assessment Mission Final Report Poland: Parliamentary Elections 25 October 2015*, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/poland/217961?download=true>).

Śledzińska-Simon, A., A. Bodnar (2013): Gender Equality from Beneath: Electoral Gender Quotas in Poland, in: *Canadian Journal of Law and Society* 28(2), 151-168.

Slovakia

Score 10

The procedures for registering candidates and parties in Slovakia are fair and transparent. Candidates for presidency must be nominated by at least 15 members of the unicameral National Council or document support from at least 15,000 voters. While independent candidates cannot run for office, candidate lists for parliamentary elections can be nominated by registered political parties, movements and coalitions. For registration, the nominating organizations must obtain 10,000 signatures and make a deposit of €17,000, which is returned only to candidate lists that receive at least 2% of the vote. By the deadline of 6 December 2015, 24 candidate lists were submitted to the State Commission for Elections and Control of Financing of Political Parties (established in 2014) for registration. One of them was not registered for refusing to pay the election deposit. Four citizens submitted applications as independent candidates, but were rejected by the commission.

Citation:

OSCE/ODIHR (2016): *Election Assessment Mission Final Report Slovakia: Parliamentary Elections March 5, 2016*. Warsaw, 7-8 (<http://www.osce.org/odihr/elections/slovakia/235591?download=true>).

Slovenia

Score 10

In Slovenia, the legal provisions on the registration of candidates and parties provide for a fair registration procedure for both national (parliamentary, presidential) and local (mayoral, council) elections. Registration requirements are straightforward and not very demanding. To establish a party, only 200 signatures are needed. The registration requirements for national parliamentary elections favor parties represented in parliament. Unlike non-parliamentary parties or non-party lists, they are not required to collect voter signatures. Candidates for the presidency must document support from at least three members of parliament or 5,000 voters. At local elections, a candidate for mayor and candidate or list of candidates for a municipal council can be proposed either by political parties or by a specified number of voters, which is dependent on the size of a municipality. Candidate lists both for national parliamentary elections and municipal assembly elections must respect a gender quota. On each list of candidates, neither gender should be represented by less than 40% of the total number of candidates on the list.

Spain

Score 10

Spain's legal and administrative regulations for validating party lists and candidacies (basically, Organic Law 5/1985 on the electoral regime and Organic Law 6/2002 on parties) is fair and flexible. This was demonstrated in December 2015 when new parties, such as Podemos or Ciudadanos, participated for the first time in the general elections with each winning one-third of seats in the parliament. To participate, parties and coalitions must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office. Non-Spanish EU citizens are eligible to run in local and European Parliament elections. In local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates are also eligible. Legislation on gender parity (Organic Law 3/2007) requires party electoral lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates. Fair and nondiscriminatory registration is protected by a number of guarantees overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and those who have been convicted of a crime. In the 2000s it was approved the possibility of declaring illegal parties deemed to be "irrefutably" associated with conduct "incompatible with democracy, prejudicial to constitutional values, democracy and human rights" (a provision introduced to suspend parties directly or indirectly connected with now dissolved ETA terrorism in the Basque Country).

Today, the EH Bildu coalition (a radical force generally considered to be the successor to extreme-nationalist Basque political organization Batasuna) is legal and has important political responsibilities at various levels of government, although some of its former leaders cannot compete as candidates because they have a criminal record.

Citation:

August 2016, The Washington Post: "Pro-independence Basque leader*s election candidacy blocked"
https://www.washingtonpost.com/world/europe/pro-independence-basque-leaders-election-candidacy-blocked/2016/08/24/4d6345d0-69ec-11e6-91cb-ecb5418830e9_story.html

July 2016, The Economist: "Revolution cancelled"

<http://www.economist.com/news/europe/21701516-another-centre-right-government-weaker-one-revolution-cancelled>

Sweden

Score 10

During the period under review, the electoral process was free and fair. Parties or candidates were not treated differently on any grounds.

Candidates are selected and ranked within the party organizations with essentially no public rules guiding the process. Political representation in Sweden is overwhelmingly collective representation. Since 1998, there has been the opportunity to indicate preferences not just for a particular party but also for specific candidates, but voters tend to vote for parties rather than for individual candidates. This culture of representation gives parties a central role in candidate selection. Against that backdrop it is perhaps not very surprising that indicating preferences for specific candidates has, with a few exceptions, not had a major impact on outcomes.

Citation:

Bengtsson, Åsa et al. (2014), *The Nordic Voter. Myths of Exceptionalism* (Colchester: ECPR Press).

Karlsson, D. and M. Gilljam (2014), *Svenska politiker. Om de folkvalda i riksdag, landsting och kommun* (Stockholm: Santérus).

Oscarsson, H. and S. Holmberg (2013), *Nya svenska väljare* (Stockholm: Norstedts Juridik).

Switzerland

Score 10

There are no doubts that Switzerland's formal procedures correspond closely to the democratic ideal. However, some challenges have emerged due to the country's small size, its strong dependence on other countries, the opportunities to free ride in the international and particularly European communities, and the extremely large share of immigrant workers.

With regard to active and passive voting rights, there is the obvious challenge that in 2016 25% of the total population and 30% of the country's civilian workforce held

foreign citizenship, a much higher share than in other countries. Furthermore, the rules governing naturalization are rather strict, making the acquisition of Swiss citizenship costly, time-consuming and even insulting for applicants. Thus, the strict rules governing naturalization and the sheer size of the foreign population transform the “quantitative” problem of every modern democracy (that some adult inhabitants face discrimination on grounds of their nationality) into a qualitative problem: If more than a quarter of the social product is produced by foreigners, and if almost a quarter of the voting-age population is not entitled to vote or to run for public office, the legitimacy of parliament and government to rule on behalf of the total population (which is hugely more than the citizen base) is arguably called into question. Others argue, however, that while the economy is globalized, democracy functions only on the basis of a national society that identifies itself in terms of citizenship. This includes the (constitutional) right to define who is eligible for citizenship. According to this view, migration certainly creates new problems, in that the “demos” and the resident population do not coincide.

To date, Switzerland has dealt with these problems somewhat slowly and hesitantly. For example, some notable liberalizing changes were adopted with regard to naturalization (e.g., costs have been substantially reduced) and with regard to passive voting rights in some cantons and local communities.

United States

Score 10

Procedures for registering parties and candidates are fair and nondiscriminatory. State governments determine the requirements for ballot access, so the details vary across states. All states, however, require a party or candidate to collect signatures on a petition and to file the petition by a specified deadline. Parties and candidates who meet the requirements are included on the ballots. In addition to the dominant Democratic and Republican parties, several minor parties or independent candidates are often included. In some cases, the ballot-access requirements may be a burden for smaller parties or independent candidates. But the single-member-district, plurality-election system precludes victory by such participants anyway. In general, ballot access has not been controversial, and no major problems regarding ballot access have been reported in recent elections. In the 2016 presidential election, a Green Party candidate who received about 1% of the popular vote was on the ballot in regions accounting for 480 out of the total available 538 electoral votes. Libertarian Party candidate Gary Johnson was on the ballot in all 50 states.

Austria

Score 9

The Austrian constitution and the laws based on the constitution are consonant with the framework of liberal democracy. They provide the conditions for fair, competitive, and free elections. Parties based on the ideology of National Socialism are excluded from participation, but there has never been an attempt to exclude other

parties considered to be outside the accepted mainstream of democracy (such as the Communist Party). Persons younger than 16 years of age cannot vote or stand for office.

There is ongoing debate on how best to handle the system of proportional representation that is enshrined in the Austrian constitution. The system contains a 4% electoral threshold; parties must receive at least this share of the national vote in order to gain a parliament seat, a policy ostensibly designed to minimize the deconcentrating tendency of proportional representation systems. Nevertheless, critics of the system argue that proportional representation as implemented in Austria prevents clear majorities, thus making it difficult to obtain a direct mandate to govern from the voters. Coalitions are a necessity. A system based on single-member constituencies would increase the possibility that single-party governments could be elected, but at the cost of limiting smaller parties' chances for survival. Thus, though the current system is criticized for undermining the efficiency of government, it is considered to be more democratic than the alternatives.

The elections of a new federal president in 2016 has inspired a heated debate about technicalities of the electoral process. The results of the second round of the presidential elections was declared illegal by the Constitutional Court due to some irregularities and then postponed again because some absentee ballots were not properly sealed. But this did not imply that the procedure was viewed as a failure.

Bulgaria

Score 9

Elections in Bulgaria are regulated by the electoral code of 2014. Registration of parties and candidates is broadly fair and transparent. The registration of candidates for elections involves two steps. The first is to register a party, a coalition of parties or a nominating committee with the central electoral commission. The second step comprises the nomination of candidates by registered parties, coalitions or nominating committees. For the registration of parties or nominating committees, a bank deposit and a certain number of citizen signatures are required. The existing requirements are reasonable – they are not too stringent to prevent serious parties and candidates from registering, but do to some extent prevent a confusingly large number of participants in the elections. What is more controversial are the personal requirements for candidates, partly enshrined in the Bulgarian constitution. Under the present legislation people holding citizenship of a country outside the European Union are not allowed to run in elections. Citizens of EU member countries can only run in elections for municipal councils and for European Parliament. While this provision has not played any role in practice yet, international observers have criticized it for violating the European Convention on Human Rights. Another so far meaningless, but often-criticized constitutional clause prohibits the formation of “ethnically based” parties. It was invoked in 2016 when the courts initially refused to register the new party Democrats for Responsibility, Freedom and Tolerance

(DOST), a spinoff of the Movement for Rights and Freedoms (DPS), the traditional representation of the Turkish minority. However, this decision was eventually annulled by the Supreme Court of Cassation in July 2016.

In the case of the presidential elections in November 2016, there were 24 candidates, three of whom were refused registration by the central electoral commission. The three refusals were based on failure by the nominating committees to demonstrate the required number of citizens' signatures supporting the nomination. Having 21 running candidates for president in a country of 7 million indicates relatively liberal candidate registration.

Chile

Score 9

In general terms, candidates and parties are not discriminated against in the registration process. Electoral procedures are very reliable and there is no ideological bias.

Beginning with the 2013 presidential election, a primary-election system (primarias) for the designation of presidential candidates was established. The 2013 presidential and congressional elections showed a slight improvement due to the fact that one of the two main coalitions, the former Concertación – now renamed Nueva Mayoría – broadened its ideological spectrum in order to integrate several small leftist parties (Partido Comunista; Izquierda Ciudadana; Movimiento Amplio Social). Under the current government, these political forces were also assigned ministerial responsibility. This can be regarded as an improvement within Chilean democracy in general.

Also, the Electoral Service (Servicio Electoral de Chile, SERVEL) has been assigned a wider range of oversight mechanisms regarding registration procedures. It has also been given more autonomy from other state organs, with the aim of ensuring more efficient monitoring of the registration process and of political-party and campaign financing. To a certain degree, this shift can be seen as a response to the electoral fraud that occurred in 2013, when two independent candidates forged signatures in order to meet the candidate-registration threshold. Both were found guilty in 2014.

In April 2015, a new electoral law (Law Nr. 20,840) was enacted that replaced the 25-year-old binominal electoral system for parliamentary elections with a system of “proportional and inclusive representation.” The allocation of seats continues to be based on the D'Hondt method, but now in multimember districts of smaller magnitude (3 to 8 deputies and 2 to 5 senators). Further changes include the following:

- An increase in the overall number of deputies (from 120 to 155) and senators (from 38 to 50);
- A reduction in the number of districts and constituencies for the election of the

Chamber of Deputies (from 60 to 28);

- A reduction in the number of districts and constituencies for the election of the Senate (from 19 to 15);
- The introduction of a gender quota applied to party lists: neither males nor females may exceed 60% of the total number of candidates presented by a party (up to 2029);
- An increase in the amount of state reimbursement for each vote received by female candidates and the introduction of a gender bonus of about \$20,000 for each woman elected as deputy or senator (up to 2029);
- A lowering of the requirements for creating parties. The number of signatures parties must collect decreased from 0.5% of the voters in the last election for the Chamber of Deputies in 8 of the 15 regions or in 3 geographically contiguous regions to only 0.25%, but limited to the region in which they are registered;
- The introduction of the M+1 rule: unlike the binominal system, each party list must now include as many candidates as seats are to be distributed, plus one. As before, the lists are open.
- Electoral pacts between parties are only allowed at the national level.

This new electoral system will be first applied in the 2017 legislative elections. It was, however, approved without the support of the opposition parties UDI and RN. It seeks to resolve problems related to the selection of candidates within electoral pacts (in particular of the incumbent Nueva Mayoría), low competitiveness and gender bias.

Citation:

<http://www.gob.cl/2015/04/27/fin-al-binominal-conoce-el-nuevo-sistema-electoral/>

<http://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-%28fin-del-sistema-binominal%29>

<http://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-%28fin-del-sistema-binominal%29>

Ricardo Gamboa/Mauricio Morales 2016: Country Note. Chile's 2015 Electoral Reform: Changing the Rules of the Game, *Latin American Politics and Society*, 11 October 2016, 126-144. DOI: 10.1111/laps.12005, <http://onlinelibrary.wiley.com/doi/10.1111/laps.12005/abstract>

Croatia

Score 9

Candidacy procedures are largely fair and do not suffer from major procedural restrictions. However, participation in parliamentary elections is easier for registered parties than for independent lists. Whereas the latter must collect a certain number of signatures, political parties must do so only for the presidential elections, as well as in local elections for prefects and mayors. A legal amendment which would have introduced uniform requirements was repealed by the constitutional court in a controversial decision shortly before the parliamentary elections in November 2015. One peculiarity of Croatian electoral law is that candidate lists can be headed by people who are not actually candidates. In February 2015, the Croatian parliament adopted an amended law on the election of members of parliament that introduced preferential voting at parliamentary elections.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Republic of Croatia: Parliamentary Elections 8 November 2015, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/croatia/223631?download=true>)

Cyprus

Score 9

Requirements for the registration of candidates are minimal, relating to citizenship, age, mental soundness and criminal record. Candidates for the presidency of the republic must belong to the Greek community. Citizens of other EU states are eligible to run for and hold office in locally elected bodies. Voting and eligibility rights in European parliamentary elections are since 2014 conditionally extended to Turkish Cypriots residing in the areas not under the government's effective control. Citizens of non-EU countries have no voting rights. Simultaneously holding a public office and/or a post in the public service and/or a ministerial portfolio and/or an elected office is constitutionally prohibited.

The eligibility age to run for president is 35 years-old, and 25 for parliament. The eligibility age for municipal and community councils, and the European Parliament was reduced from 25 to 21 years-old (2013). Candidate registration procedures are clearly defined, reasonable and open to media and public review. Candidacies can be proposed and supported by a small number of registered voters: two for local elections, four for parliamentary elections, and, since 2016, 100 for presidential elections.

A financial deposit is also required from candidates running for office, ranging from €85 (community elections) to €2000 for presidential elections. This sum is returned to candidates who meet vote thresholds specific to each election type.

Citation:

1. The Constitution of the Republic of Cyprus, [http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)
2. The Law on the Election of the members of the House of Representatives, L.72/1979, in Greek, http://www.cylaw.org/nomoi/enop/non-ind/1979_1_72/full.html
3. The Municipalities Law, 11/1985, unofficial English translation available at, <http://www.ucm.org.cy/DocumentStream.aspx?ObjectID=966>
4. The Communities Law, 86(I)/1999, available in Greek at, http://www.cylaw.org/nomoi/enop/non-ind/1999_1_86/full.html
5. The Law on the Election of Members of the European Parliament 10(I)/2004, available in Greek at http://www.cylaw.org/nomoi/enop/non-ind/2004_1_10/full.html

Iceland

Score 9

Most Icelandic citizens aged 18 years or over can run for parliament. Exceptions include Supreme Court justices and adult individuals convicted of a serious felony or sentenced to four months or more in custody. For local elections, with the exception

of the minimum age limit, these restrictions do not apply. Citizens of other Nordic countries with three years' consecutive residence in Iceland can stand as candidates in local elections. The registration process for candidates and parties is transparent and fair.

The minimum 5% share of the national vote required to secure seats in parliament was set in 2000. In addition to this 5% threshold, parties can win a seat by securing a majority of the vote within a constituency seat. This minimum threshold is the same as in Germany and higher than in the other Nordic countries (Sweden and Norway 4%, Denmark 2%). As a consequence of this system, 12% of voters in 2013 won no parliamentary representation, as they voted for candidates or parties that failed to win a constituency seat or polled less than 5% of the national vote. This is the largest unrepresented vote share in Iceland's modern history. This result was due mainly to a record 15 parties running for parliament in 2013.

In the October 2016 parliamentary election, the Independence Party won 33% of the seats in parliament with 29% of the vote, enabling the party to form a majority government based on 47% of the vote. Parties that did not reach the 5% threshold received a total of 5.7% of the vote in 2016.

Formal complaints filed by individuals and opposition political parties about the way the parliamentary elections of 2016 and 2013 were carried out have been routinely ignored by the authorities.

Citation:

Lög um kosningar til Alþingis nr. 24/2000 (Law on parliamentary elections nr. 24/2000).

Lög um breytingar á lögum um kosningum til Alþingis nr. 16/2009 (Law on changes in law on parliamentary elections nr. 24/2000).

Lög um kosningar til sveitarstjórna nr. 5/1998 (Law on local elections nr. 5/1998).

Italy

Score 9

The registration procedure is fair and no unreasonable exclusion exists. The number of signatures requested for registration of parties creates some obstacles to new and small parties, but similar small obstacles are accepted in many democracies to avoid non-serious candidacies. The validity of the process is controlled by independent judicial offices. From time to time there have been disputes over the validity of some of the signatures collected by the largest parties. The procedures for the choice of candidates vary from party to party, but there is an increasing use of primaries to make them more open and democratic.

The old electoral system was based on closed electoral lists in large districts. Consequently, voters had no option of expressing a preference for a single candidate, but had to accept the whole party ticket. The new electoral law, approved in 2015, introduces mixed electoral lists. This will enable voters to express a preference for some of the candidates, though not all.

Japan

Score 9

Japan has a fair and open election system with transparent conditions for the registration of candidates. The registration process is efficiently administered. Candidates running for the Lower House have to pay a deposit of JPY 3 million (about €25,200), which is returned if the candidate receives at least one-tenth of the valid votes cast in the electoral district (12.5% in the case of the Upper House). The deposit is meant to deter candidatures that are not serious, but in effect presents a hurdle for independent candidates. The minimum age for candidates is 25 for the Lower House and 30 for the Upper House.

Latvia

Score 9

Candidacy procedures provide everyone with an equal opportunity to be an election candidate. Some restrictions, related to Latvia's Soviet past, are in place.

While political parties are the only organizations with the right to submit candidate lists for parliamentary elections, multi-party electoral coalitions have not been abolished and are indeed the rule. At the local government level, this party-list restriction applies to all large municipalities. However, candidates in small municipalities (less than 5,000 residents) have the right to form voters' associations and submit nonpartisan lists. The restriction to partisan lists has been deemed limiting by the Organization for Security and Cooperation in Europe (OSCE). In 2013, a voters' association in Jurmala mounted an unsuccessful legal challenge to this restriction, seeking review of the rule by the constitutional court.

Registration as a political party is open to any group with at least 200 founding members. In 2016, a new threshold was set, which requires political parties to have at least 500 members before standing in national parliamentary elections.

The Central Election Commission (Centrālā Vēlēšanu Komisija, CVK) oversees the organization of elections. International observers have consistently recognized Latvia's elections as free and fair.

Citation:

1. The Saeima Election Law, Article 5 and 6, Available at: <http://web.cvk.lv/pub/public/28126.html>, Last assessed: 17.05.2013

2. Report on Parliamentary Elections, 2011, p. 1, Available at: <http://www.osce.org/odihr/elections/Latvia/86363>, Last assessed: 17.05.2013

3. Valts Kalniņš (2011), Assessment of National Integrity System, p.99, Published by DELNA, Available at: http://www.transparency.org/whatwedo/pub/national_integrity_system_assessment_latvia, Last assessed: 21.05.2013.

4. Report on Parliamentary Elections 2011, p.1, Available at: <http://www.osce.org/odihr/elections/Latvia/86363>, Last assessed: 17.05.2013

Lithuania

Score 9

Lithuania's regulations provide for a fair registration procedure for all elections. In general, neither individual candidates nor parties are discriminated against. Minimal requirements for establishing a political party and registering candidacies produced a large number of candidates in the 2012 and 2016 parliamentary elections. Independent candidates as well as party-affiliated candidates can stand for election. However, a few provisions should be noted. The provision that "any citizen ... who is not bound by an oath or pledge to a foreign state... may be elected" does not conform to the evolving jurisprudence of the European Court of Human Rights on matters of dual citizenship. The court also ruled that a lifetime ban on standing for elected office on impeached, former president Rolandas Paksas was disproportionate. However, this restriction is yet to be lifted, as a 2015 vote on his electoral eligibility was unsuccessful. Therefore, Paksas was not able to run in the 2016 parliamentary elections and subsequently resigned as the leader of the Party Order and Justice. In response to an inquiry initiated by a group of parliamentarians, the constitutional court ruled that the territorial boundaries of single-candidate constituencies should be redrawn to reduce population differences that had developed over time due to demographic changes and migration from the provinces to the capital. The decision of the constitutional court was implemented in December 2015, when the new constituencies were announced. A major change related to the establishment of two additional constituencies in Vilnius, where the number of voters has been constantly increasing.

Citation:

OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/98586>.

OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, <http://www.osce.org/odihr/elections/116359?download=true>

ECHR judgment of Jan. 6 of 2011 on Case of Paksas v. Lithuania, [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-102617#“itemid”:\[“001-102617”\]](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-102617#“itemid”:[“001-102617”]).

Malta

Score 9

Elections are regulated by the constitution and the General Elections Act. The system used in Malta is the Single Transferable Vote (STV). Candidates can stand either as independents or as members of a political party. Parties can field as many candidates as they wish, and candidates may choose to stand in two electoral districts. If elected in both districts, a candidate will cede their second seat. The vacated seat is then assigned to the candidate with the most second preference votes on the ballot. The system allows for a diversity of candidates and restrictions are minimal, though legal restrictions based on residency, certain official functions and court judgments exist.

There have been persistent calls for the reform of the electoral system on the basis of a number of issues including that there is no official minimal threshold, no national quotas for parties to gain access to parliament, and that multiple candidates from the same party can be elected in the same district places too much power in the hands of canvassers.

Portugal

Score 9

Individuals and political parties enjoy largely equal opportunities to register for and to run in elections, both de jure and de facto. Parties espousing racist, fascist or regionalist values are all constitutionally prohibited, as are parties whose names are directly related to specific religious communities.

While individual citizens can run in municipal elections, they are barred from contesting legislative elections, where only registered political parties can present candidates. The requirements for registering a party are relatively onerous. To be formed, parties must acquire the legally verified signatures of 7,500 voters. Moreover, they must ensure that their internal party rules and statutes conform to the political-party law, which requires that parties' internal functioning must conform to "the principles of democratic organization and management" (Article 5 of the Political Party Law – Lei dos Partidos Políticos), and defines several internal bodies that parties must have (Articles 24-27).

However, these requirements do not prevent new parties from forming. Indeed, in the parliamentary elections of 4 October 2015, 20 parties and coalitions figured on the ballot, which represents the highest total since democratization in the 1970s.

Citation:

On the laws see, for example, Eleição da Assembleia da República 1 / Outubro/1995: Legislação eleitoral actualizada e anotada (Lisbon: STAPE/MAI, 1995); and Lei dos Partidos Políticos (Political Party Law) – Lei Orgânica n.º 2/2003, de 22 de Agosto, com as alterações introduzidas pela Lei Orgânica n.º 2/2008, de 14 de Maio. For the parties and coalitions in the parliamentary elections of 4 October 2015 see Expresso of 22 August 2015. For the results of the elections see "General Election in Portugal 04 October 2015," Fondation Robert Schuman.

United Kingdom

Score 9

In the United Kingdom, procedures for registering candidates and parties can generally be considered fair and without regulatory discrimination. The process of registration is uncomplicated, and the information required is offered by the state and easily accessible. No restrictions or regulations exist on party programs, but there are regulations limiting the choice of party name, which must not be obscene, offensive or misleading. The party emblem should also avoid these qualities. Registration as a candidate requires a deposit of £500 and the support of at least 10 voters. Support from a party is not necessary, as candidates can run as independents, and many

candidates do take advantage of this provision. Very occasionally, a candidate standing on a single issue achieves election, even in national elections.

Members of certain groups are not allowed to stand for election, namely those in the police, the armed forces, civil servants, judges and hereditary members of the House of Lords who retain a seat there. While this may be considered reasonably necessary in a democracy (although no such restrictions are in place in many similar democracies), it seems harder to justify the exclusion of people who have undergone bankruptcy or debt relief restriction orders because this is tantamount to a second punishment for financial mismanagement and thus discriminating against them.

Belgium

Score 8

Standard legal restrictions, such as requiring a certain number of signatures before an individual may run as a candidate, are fair and are effective in controlling the number of candidates in any election. The same holds for parties, which can be relatively easily registered and at very little cost, even in a single constituency (or electoral “arrondissement”). In practice, however, such restrictions may represent a higher hurdle for smaller or local parties or candidates. One reason is that the registration process has been mastered by the more established parties, and poses more of a challenge for individual candidates. Most political parties offer a broad diversity of candidates, according to gender, age and ethnicity. Gender rules are quite specific, as there are mandatory quotas on electoral lists.

Israel

Score 8

Israel is an electoral democracy. While it does not have an official constitution, one of its basic laws (“The Knesset,” 1958), which holds special standing in the Israeli legal framework, provides for a general, free, equal, discrete, direct and proportional elections, to be held every four years. The basic law promises equal opportunity for each Israeli citizen (as well as Jewish settlers in the Israeli-occupied territories) to elect and to be elected under certain reasonable restraints. To be elected for the Knesset, a candidate must be a citizen over the age of 21, with no criminal incarceration over three months in the seven years prior to his/her nomination (unless authorized by the head of the central elections committee). If the nominee held a prominent public office (as specified in law), he or she is subject to a waiting period. Under the party law of 1992, general elections are led by the central election committee, which is in charge of organizing the actual elections procedurally and tallying the final votes. The committee is also authorized to reject a nominee or a list based on three conditions: First, if they reject Israel’s Jewish and democratic identity. Second, if they support another country’s armed battle against Israel and/or support a terror organization. Third, if they incite racism.

Due to its significant influence over the electoral process, the committee is chaired by a supreme court judge and is constituted according to a proportional system. This allows each faction in the Knesset to be represented. In addition, the formation of the group is meant to balance the political nature of the committee with a judicial emphasis on proper conduct. In order to disqualify a nominee, the committee must receive authorization from the Supreme Court. In the 2015 elections, the committee disqualified the nomination of parliament member Hanin Zohaby (Balad), and the extreme right-wing activist Baruch Marzel (Yachad), claiming that they were in breach of article 2 and 3 respectively of the Knesset basic law. Both decisions were reversed by the Supreme Court. Out of 12 disqualifications made by the central committee the Supreme Court only upheld three: the socialist list (1964), kah (1988, 1992) and Kahana (1988).

Also, the suspension law, which was enacted in 2016, allows the suspension of a Knesset member, if a supermajority of the Knesset vote that this member has deviated from expected behavior. The law drew much criticism, mostly from opposition members, but also from some members of the coalition. Most of the criticism revolved around the claim that the Knesset does not have the power to suspend a member and that this authority should be held by the courts. In addition, some critics raised concerns that the vote to suspend a member will mostly be influenced by political considerations and, thereby, severely weaken Israel's democratic character.

Citation:

"Summary of laws relating to the general elections," from the Knesset official website (Hebrew)

Shamir, Michal and Margal, Keren, "Notions on threat and disqualification of lists and nominees for the Knesset: from Yarden to the 2003 election, *Mishpat & Mimshal* 8, tashsa, pp. 119-154 (Hebrew).

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Hobal, Ravital, "The majority of the judges rejected the petition regarding the election threshold", 14.1.15, *Haaretz* (Hebrew):

<http://www.haaretz.co.il/news/elections/.premium-1.2538960>

Azulai, Moran. "The Suspension Law was approved in the Knesset", 29.03.16, *Ynet* (Hebrew):

<http://www.ynet.co.il/articles/0,7340,L-4784299,00.html>

Htoka, Shusi. "Rivlin: the Suspension Law – an example of problematic understanding of the democracy", 15.02.16:

http://www.mako.co.il/news-military/politics-q1_2016/Article-5450e808bd5e251004.htm

Fuchs, Amir. "MK Suspension Bill: Anti-Democratic to the Core", 06.06.2016

<https://en.idi.org.il/articles/2357>

Mexico

Score 8

While in principle the process for registering political parties is open and transparent, high registration requirements as well as a bureaucratic and lengthy registration process create a strong status quo bias. To meet the requirements for registering a new national political party, organizations must demonstrate a minimum of 3,000 members, representation in at least 20 of the 32 states, and a minimum of 300 members in at least 200 electoral districts. Historically, the high barriers for party

formation have served to discourage new and small political groups from challenging the established parties.

Since 2015, independent candidates are allowed to run for office in national elections. This may increase the choices available to voters, but how this plays out in practice and whether independent candidacies can be translated into meaningful political and policy alternatives remains to be seen. In the 2015 state governorship elections, several independent candidates won remarkable electoral victories, including in the northern state of Nuevo Leon.

Close linkages between some candidates and organized crime, especially at the local level, undermine the integrity of the political system. This may be one of the reasons why the issue of violence and security has not played a prominent role in electoral campaigns thus far.

Citation:

Harbers, Imke and Matthew C. Ingram "On the engineerability of political parties: evidence from Mexico." In: , I. van Biezen, and H. M. ten Napel. *Regulating political parties: European democracies in comparative perspective* (2014): 253-277.

South Korea

Score 8

All election affairs are managed by the National Election Commission, an independent constitutional organ. Registration of candidates and parties at national, regional and local levels is done in a free and transparent manner. Candidates can be nominated by political parties or by registered electors. Civil servants are not allowed to run for elected offices and have to resign if they wish to become a candidate. Deposit requirements for persons applying as candidates are relatively high, as are ages of eligibility for office.

Although the National Security Law allows state authorities to block registration of so-called left-wing or pro-North Korean parties and candidates, there is no evidence that this had a real impact in the 2016 parliamentary election or the presidential election of 2012. However, in mid-December 2014, the constitutional court ruled in a controversial decision that the Unified Progressive Party had undermined democracy and worked toward the achievement of North Korean-style socialism. The party, founded in late 2011, had five lawmakers, all of whom were deprived of their parliamentary seats. This was the first time a political party had been dissolved by a court or government order since 1958.

Citation:

Bertelsmann Transformation Index 2010, Bertelsmann Foundation, www.bertelsmann-transformation-index.de.
Public Officials Election Act, Act No. 9974, Jan. 25, 2010 Freedom House, *Freedom in the World 2009*, New York: Freedom House
The Guardian 2014. South Korea court orders breakup of 'pro-North' leftwing party. Dissolution of Unified Progressive party raises questions of South's commitment to democracy, 19 December 2014, <http://www.theguardian.com/world/2014/dec/19/south-korea-leftwing-unified-progressive-party-pro-north>

Romania

Score 7

Electoral legislation was amended in the first half of 2015 with an eye to the local and parliamentary elections in 2016. One amendment substantially lowered the typically high stakes involved in establishing a political party –25,000 signatures drawn from at least 18 counties now required the same number of signatures from only three counties. Moreover, the requirement to submit financial deposits for candidate registration was lifted, and citizens have been allowed to support multiple candidates and parties with their signatures. Partly as a result of these changes, the number of parties participating in the 2016 parliamentary elections was relatively high.

A major problem has been the candidacy rules for the four deputies and two senators elected by the Romanian diaspora. As criticized by the Federation of Romanians' Associations in Europe and others, diaspora candidates were discriminated against in the 2016 parliamentary elections because they were required to collect 6,090 signatures rather than 1,000 to enter the race. Moreover, their electoral colleges extend across several countries, impeding the collection of required signatures.

The conservative-liberal PNL has been the only party with explicit integrity requirements for its candidates. Introduced in 2015, the criteria are as follows: candidates may not have been members or collaborators of the communist political police, the Securitate, and may not have held positions in the former Communist Party; Candidates cannot have hired a family member or first-degree relative to public office, hold conflicting business interests, or have lied in their declaration of assets or interests; Candidates may not hold any racist, chauvinistic, xenophobic, or discriminatory attitudes nor have debts to the local budget older than one year, or degrees or diplomas attained through plagiarism; and finally, candidates may never have been found guilty of corruption, offences committed with intent or violence, nor be taken to court for a bribe-related offence, or any other criminal offence committed with intent. The application of these criteria disqualified 100 out of 1,100 PNL mayors from re-election. The other parties have refrained from adopting similar requirement. As a matter fact, some of the winning candidates in the 2016 general elections have been convicted by courts for fraud, corruption, embezzlement, and influence peddling – chief among them the Social Democrat leader Liviu Dragnea, found guilty by the courts of vote rigging.

Citation:

OSCE/ODIHR (2016): Needs Assessment Mission Report: Romania, Parliamentary Elections 11 December 2016, Warsaw, 6 (<http://www.osce.org/odihr/elections/romania/278346?download=true>).

Turkey

Score 7

The Turkish Constitution, Law 298 on the basic principles of elections and the electoral registry, Law 2839 on deputies' elections, and Law 2972 on local-administration elections lay the legal groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. However, the relative freedom given to each political party's central executive committee in determining party candidates (by Law 2820 on political parties, Article 37) renders the candidate-nomination process rather centralized, antidemocratic and exclusionary. The parliament weakened the centralization of political parties' leadership to some extent in 2014 with the passage of a law permitting co-leadership structures. Some restrictions on candidacy rights are incompatible with Paragraph 7.5 of the 1990 OSCE Copenhagen Document and similar international documents.

The nationwide 10% electoral threshold for parliamentary elections (Law 2839 on deputies' elections, Article 33) is a major obstacle for all small political parties. In 2008, the European Court of Human Rights (ECtHR) found the 10% electoral threshold to be excessive, but not in violation of the European Convention on Human Rights' (ECHR) Protocol 1 Article 3. As of November 2015, there were 100 registered political parties, although only 20 participated in the June 7 parliamentary elections, and 16 in the subsequent November 1 elections. The share of the representation of valid votes rose to 97% during the last two parliamentary elections. Parties' executive boards typically determine their parties' candidate lists, with the exception of the Republican People's Party, which holds a primary-election vote. An independent candidate who secures a majority of votes in his or her electoral district is allowed to take a parliamentary seat without regard to the nationwide threshold.

Although there is no legal obstacle barring women from standing as candidates, issues of gender inequality and access to financing render their participation doubly difficult. The number of women candidates fluctuated in the June 7 and November 1 elections, with the number of women deputies ultimately dropping from 79 to 76. A bill permitting political parties and candidates to use any language or dialect in their campaigning, including written material, was passed by the parliament in April 2014.

Presidential candidates are not asked to pay a nomination fee; however, political parties require parliamentary candidates to pay a fee ranging from €185 to €2,800. Women candidates are generally asked to pay half or less of the fee required from male candidates. Most political parties do not ask for a nomination fee from disabled candidates. Independent candidates face greater obstacles, as they must submit a nomination petition along with a fee of about €3,279 (TRY 10,167). This fee is held by the revenue department of the provincial election board where the candidate is standing for election. If the independent candidate fails to be elected, this fee is registered as revenue by the Treasury.

Citation:

Gençkaya, Ömer Faruk, Umut Gündüz and Damla Cihangir-Tetik, Political Finance and Transparency İstanbul: Transparency International Turkey Chapter, 2016. <http://www.seffaflik.org/wp-content/uploads/2016/01/Siyasetin-Finansman%C4%B1-EN.pdf>

(accessed 16 January 2016)

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Hungary

Score 6

The far-reaching changes to Hungary’s electoral law in the run-up to the April 2014 parliamentary elections included amendments to registration procedures. The combination of decreased registration requirements and generous public funding for candidates and party lists led to a surge in candidacies. A record-high 53 parties took part in the elections, 18 of which were able to form a national list. The governing Fidesz party actively promoted this associated fragmentation with the evident aim of confounding voters and weakening the opposition. The registration process suffered from a lack of transparency. Election commissions at both the central and constituency level largely failed to address cases of alleged signature fraud. Since the 2014 elections, the controversial procedures have been left unchanged.

Indicator

Media Access

Question

To what extent do candidates and parties have fair access to the media and other means of communication?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = All candidates and parties have equal opportunities of access to the media and other means of communication. All major media outlets provide a fair and balanced coverage of the range of different political positions.
- 8-6 = Candidates and parties have largely equal opportunities of access to the media and other means of communication. The major media outlets provide a fair and balanced coverage of different political positions.
- 5-3 = Candidates and parties often do not have equal opportunities of access to the media and other means of communication. While the major media outlets represent a partisan political bias, the media system as a whole provides fair coverage of different political positions.
- 2-1 = Candidates and parties lack equal opportunities of access to the media and other means of communications. The major media outlets are biased in favor of certain political groups or views and discriminate against others.

Finland

Score 10

The access of candidates and parties to media and means of communication is fair in principle, but practical constraints, such as the duration and breadth of a program's coverage, restrict access for smaller parties and candidates to televised debates and other media appearances. Given the increased impact of such appearances on the electoral outcome, this bias is somewhat problematic from the point of view of fairness and justice. However, the restrictions reflect practical considerations rather than ideological agendas. Access to newspapers and commercial forms of communication is unrestricted, but is in practice dependent on the economic resources of parties and individual candidates for campaign management. However, candidates are required to report on the sources of their campaign funds. Social media play an increasing role in candidates' electoral campaigns, as these outlets now attract a growing share of voters.

Strandberg, Kim (2012): Sosiaalisen median vallankumous? Ehdokkaat, valitsijat ja sosiaalinen media vuoden 2011 eduskuntavaaleissa. In: S. Borg (ed.), Muutosvaalit 2011, Helsinki: Ministry of Justice, 79-93.

Germany

Score 10

Political campaigning is largely unregulated by federal legislation, a fact modestly criticized by the latest OSCE election report (OSCE 2013: 1). Article 5 of the Political Parties Act (Parteiengesetz, PPA) requires that "where a public authority

provides facilities or other public services for use by one party, equal treatment must be accorded to all parties.” During electoral campaigns, this general criterion applies to all parties that have submitted election applications (Art. 5 sec. 2). The extent of public services parties are able to use depends on their relative importance, which is based on each parties’ results in the last general election (Art. 5 sec. 3). This is called the “principle of gradual equality,” and constitutes the basis for parties’ access to media in conjunction with the Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag). The gradual equality principle is also applied to television airtime, although in this case the time granted to large parliamentary parties is not allowed to exceed twice the amount offered to smaller parliamentary parties, which in turn receive no more than double the amount of airtime provided to parties currently unrepresented in parliament. While public media networks provide campaigns with airtime free of charge, private media are not allowed to charge airtime fees of more than 35% of what they demand for commercial advertising (Die Medienanstalten 2013: 12). Despite these rules, there is a persistent debate as to whether the media’s tendency to generally focus coverage on the six largest parties and, in particular, on government parties is too strong.

The OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) concluded with respect to the general elections in 2009: “[t]he amount and pluralistic nature of the information available allowed the voters to make an informed choice” (ODIHR 2009: 2). This general evaluation is still valid and no important rules have changed since.

Citation:

OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: <http://www.osce.org/odihr/elections/109518?download=true> (11/05/2014).

Sweden

Score 10

All candidates and all parties have equal opportunities of access to the national media and other means of communication. The equality among political candidates in terms of their access to media is to a large extent safeguarded by the public service rules of the SVT (public television) and Sverige Radio (SR), a public radio outlet.

The print media in Sweden is overwhelmingly non-socialist in its political allegiance and is therefore more likely to cover non-socialist candidates than candidates from the parties on the political left. However, journalists have a significantly stronger preference for the Green and the Left parties than does the electorate as a whole. There is also a genuine left-wing media, particularly present on the internet. It should also be noted that the right-wing Sweden Democrats (Sverigedemokraterna, SD) is rapidly gaining importance in the electoral process as well as in parliament. Some newspapers still refuse to publish this party’s advertisements. And some newspapers have no political leaning, and rather criticize the actions of all parties.

In Sweden, as elsewhere in Europe, the usage of social media and other new forms of information sharing are increasing. These media are becoming more important for political campaigns. Though the information provided by social and other electronic media is vast and varied, selectivity facilitates a more narrow consumption of information than in traditional print media.

Citation:

Asp, K. (2012), "Journalistkårens partisympatier", in K. Asp (ed.), Svenska Journalister 1989-2011 (Gothenburg: JMG), 101-107.

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Equilibrium* (Gothenburg: The SOM Institute).

Switzerland

Score 10

Candidates and parties may purchase political advertising in the print media. The only restriction to equal access by candidates and parties to these media outlets relates to resources. In this regard, there is a lack of transparency as political parties and candidates are not required to disclose who is supporting them. In contrast, political advertising on television or other broadcast media is not allowed. In this regard, all candidates and parties have equal access, in the sense that none is able to buy political advertising on broadcast media.

Media organizations give a fair and balanced opportunity to political actors to present their views and programs, insofar as this does not become simple advertisement. Right-wing politicians sometimes complain that journalists give center-left politicians better access. There is little hard evidence that such a bias exists to any substantial extent, although it is hard to find journalists who side with the Swiss People's Party, the right-populist party.

Denmark

Score 9

Denmark is a liberal democracy. According to section 77 of the constitution, freedom of speech is protected: "Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced." Freedom of speech includes freedom of the press. According to the Press Freedom Index published in 2015 by Reporters Without Borders, Denmark ranked third, after Finland and Norway. In their 2016 index Denmark was fourth after Finland, the Netherlands and Norway. The penal code sets three limits to freedom of speech: libel, blasphemy and racism. The independent courts interpret the limits of these exceptions.

The public media (Denmark's Radio and TV2) have to fulfill programming criteria of diversity and fairness. All political parties that plan to take part in elections,

whether old or new, large or small have the right to equal programming time on the radio and on television. Private media, mostly newspapers, tend also to be open to all parties and candidates. The trend decline in newspapers has implied a concentration of media attention on a few national newspapers, which has reduced media pluralism. However, all newspapers are, for instance, open to accepting and publishing letters to the editor. Likewise, all parties and candidates have equal possibilities of distributing pamphlets and posters. Finances can be a limiting factor, however, with the larger parties having more money for campaigns than smaller parties.

Citation:
 Straffeloven [The Penal Code],
http://www.themis.dk/synopsis/docs/Lovsamling/Straffeloven_indholdsfortegnelse.html (accessed 15 April 2013).
 Reporters Without Borders, "Press Freedom Index 2015," <http://index.rsf.org/#/> (Accessed 7 October 2015).
 Reporters Without Borders, "Press Freedom Index 2016," <https://rsf.org/en/ranking> (Accessed 17 October 2016)
 Zahle Henrik, 2001, Dansk Forfatningsret 1.

Estonia

Score 9

Candidates and political parties have fair and equal access to the public broadcasting and TV networks. Access to advertising on private TV and radio channels, however, depends on the financial resources of the political parties. Therefore, smaller political parties and independent candidates have significantly limited access to mass media. There is no upper limit on electoral campaign expenses, which provides significant advantage to candidates and parties with more abundant financial resources. However, these disparities do not follow a coalition-opposition divide, nor is there discrimination on the basis of racial, ethnic, religious or gender status. Because of the high Internet penetration rate, various e-tools are becoming widely used in electoral campaigns, including election portals run by public and private media outlets. This has helped candidates keep costs down and reach a wider public.

France

Score 9

According to French laws regulating electoral campaigns, all candidates must receive equal treatment in terms of access to public radio and television. Media time allocation is supervised by an ad hoc commission during the official campaign. Granted incumbents may be tempted to use their position to maximize their media visibility before the official start. Private media outlets are not obliged to follow these rules, but except for media outlets that expressly support certain party positions, newspapers and private media tend to fairly allocate media time to candidates, with the exception of marginal candidates who often run with the purpose of getting free media time.

The paradox of this rule for equal time is that the presidential candidates who are likely to make it to the second round receive the same amount of media time as candidates who represent extremely marginal ideas or interests.

Greece

Score 9

Incumbent political parties represented either in the national parliament or the European Parliament have equal opportunities for media access. In 2015, the country's national broadcaster (ERT), which had been shuttered by the New Democracy-PASOK coalition government in June 2013 in order to fulfill a bailout-related quota of dismissing state personnel, was re-opened and all its personnel were hired back. ERT nowadays primarily, but not exclusively, communicates the views of the government coalition Syriza-ANEL, as it had done until 2014 with its previous political masters, namely either the PASOK or the ND government.

Most media outlets provide a fair and balanced coverage of the range of different political positions. However, private media are more selective in their reporting and many are sensationalist. Today, relevant media outlets obviously include new social media, which played a major role in promoting the “no” vote in the July 2015 national referendum. The “no” vote won by 61%. Incidentally, in the same referendum almost all private media had supported the “yes” vote, which indicates that a large share of Greek public opinion falls under the radar of these media outlets.

Since the neo-Nazi party Golden Dawn won parliamentary representation in the 2012 elections and repeated its success by obtaining 7% of the vote in the two parliamentary elections of 2015, most media have not invited the party's leaders to political debates nor to interviews because the party has expressed very strong anti-parliamentary and racist views.

Citation:

http://aceproject.org/epic-en/me/Epic_view/GR [accessed on 08.05.2013]

Ireland

Score 9

Irish political issues continue to receive widespread and detailed coverage in the press, on radio and on TV. Media coverage – especially on radio and TV – is subject to strict guidelines designed to ensure equity of treatment between the political parties. The state-owned national broadcasting company (RTÉ) allows equal access to all parties that have more than a minimum number of representatives in the outgoing parliament. Smaller political parties and independent candidates find it less easy to gain access to the national media. However, any imbalances that may exist at the national level tend to be offset at the local level through coverage by local radio stations and newspapers. Subject to normal public safety and anti-litter regulations, all parties and candidates are free to erect posters in public spaces. There were no significant changes in this area during the review period.

It is worth noting, though, that following legislation in 2009, the 2011 election was the first in which RTÉ no longer operated entirely under self-regulation. This legislation meant that for the first time the regulation of both private and public broadcasters was vested in a single body, the Broadcasting Authority of Ireland (BAI). While these changes occurred prior to the current review period, research in this area is only just becoming available (see reference). The BAI does not, so far, seem to be all that effective in increasing transparency, although research suggests that RTÉ does have internal procedures that pay a great deal of attention to its statutory requirement to achieve “balance.”

Citation:

Kevin Rafter (2015), ‘Regulating the Airwaves: How Political Balance is Achieved in Practice in Election News Coverage’. *Irish Political Studies* 30:4, 575-594.

Lithuania

Score 9

The publicly owned media are obliged to provide equal access to all political parties and coalitions. Debate programs on the state-funded Lithuanian Radio and Television are financed by the Central Electoral Commission. The media are also obliged to offer all campaigns the same terms when selling air time for paid campaign advertisements.

Newly introduced restrictions on political advertising, as well as restrictions on corporate donations to political parties, reduced the ability of the most-well-financed parties to dominate the airwaves in the run-up to the elections. Privately owned media organizations are not obliged to provide equal access to all political parties.

According to the Organization for Security and Co-operation in Europe (OSCE), during the run-up to the 2014 presidential elections, the media environment was diverse and coverage of the campaign was thoroughly regulated. Candidates were provided with free air time on an equal basis by the public broadcaster, and all media were obliged to provide equal conditions for paid advertising. Although it was asserted by some that incumbent officials were provided with more media coverage, this did not create an uneven playing field for candidates.

Citation:

OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/98586>.

OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, <http://www.osce.org/odihr/elections/116359?download=true>.

Netherlands

Score 9

The Media Law (Article 39g) requires that political parties with one or more seats in either chamber of the States General be allotted time on the national broadcasting stations during the parliamentary term, provided that they participate in nationwide elections. The Commission for the Media ensures that political parties are given

equal media access free from government influence or interference (Article 11.3). The commission is also responsible for allotting national broadcasting time to political parties participating in European elections. Broadcasting time is denied only to parties that have been fined for breaches of Dutch anti-discrimination legislation. The public prosecutor is bringing discrimination charges against Geert Wilders, the leading member of parliament representing the Party for Freedom. However, individual media outlets decide themselves how much attention to pay to political parties and candidates. Since 2004, state subsidies for participating in elections have been granted only to parties already represented in the States General. Whether this practice constitutes a form of unequal treatment for newcomers is currently a matter of discussion.

New Zealand

Score 9

Allocation of election broadcasting time and funds in New Zealand's multiparty system are based on several criteria, including: share of the vote during the previous election; seats in Parliament; party membership; and results of opinion polls. The process is monitored by the independent Electoral Commission, and follows procedures laid down in the Electoral Act 1993 and the Broadcasting Act 1998. This ensures the fair coverage of different political positions, although the process has been criticized for favoring parties in decline and disadvantaging emerging parties that have yet to contest an election. Funding of political campaign broadcasts by non-party actors, and the debate over public versus private funding of political parties and campaigns are yet to secure cross-party agreement.

Media coverage of political issues is generally fair and balanced. Although in some previous elections televised debates included the leaders of all parliamentary parties, during the 2014 general election the main debates were restricted to the leaders of the two major parties, with the leaders of the small parties being invited to debate separately. In addition to concerns about the fair treatment of minor parties in a multiparty system, the two-tiered arrangement stifled public debate of a possible multiparty government.

Citation:

Broadcasting Act 1989 (Wellington: Ministry for Culture and Heritage 1989).

Electoral Act 1993 (Wellington: The Government of New Zealand 2012).

Decision of the Electoral Commission on the allocation of time and money to eligible political parties for the broadcasting of election programmes for the 2014 General Election (Wellington: Electoral Commission 2014).

Portugal

Score 9

Parties have access to broadcast time on television and radio for political purposes during the official campaign period of two weeks preceding an election. This time is divided equally among the parties, according to the number of candidates they present. Parties need to present lists in at least 25% of electoral districts, and field a

total number of candidates equal to at least one-quarter of the total number of possible candidates, to qualify for these broadcasts. These short broadcasts (lasting a maximum of three minutes for each party) air during prime-time, and had a non-negligible audience during the recent elections. During two days of the official October 2015 legislative-election campaign, these broadcasts were among the top 15 most-watched programs of the day.

If one considers media access more broadly, access to news programs and political debates is overwhelmingly concentrated on the five lists that have parliamentary representation: the Socialist Party (Partido Socialista, PS), the Social Democratic Party (Partido Social Democrata, PSD), the Democratic and Social Center/Popular Party (Partido Popular, CDS-PP), the Left Bloc (Bloco de Esquerda, BE) and the Unitarian Democratic Coalition (Coligação Democrática Unitária, joining the Portuguese Communist Party and the Ecologist Party, CDU). Thus, television news coverage, which is popular in terms of TV ratings and is the predominant source of information for the Portuguese, is heavily concentrated on the five main parties.

In the previous period under review, there was an issue surrounding the National Election Commission's interpretation of legislation requiring media to provide equal coverage to all parties during an election campaign, which was resolved by providing greater editorial freedom. However, the requirements of the new law and the increase in the number of candidates meant that during the January 2016 presidential elections there were a total of 25 televised debates.

Citation:

www.cne.pt/content/apresentacao

<https://www.parlamento.pt.../Paginas?detalhelniciativa.aspx?BID>

Legislativas 2015, "Maioria vai aprovar lei da cobertura eleitoral contra toda a oposição," 18/06/2015, available online at: <http://www.legislativas2015.pt/2015/06/18/maioria-vai-aprovar-lei-da-cobertura-eleitoral-contra-toda-a-oposicao/>

Lei n.º 72-A/2015 de 23 de julho, available online at: http://www.cne.pt/sites/default/files/dl/lei_72-a_2015_cobertura-jornalistica_publicidade_comercial_1.pdf

Slovakia

Score 9

Slovakia's pluralistic media market ensures that all candidates and parties have equal access to the media, and that this access is reasonably fair. Election laws mandate that campaign messages must be clearly distinguished from other media content. While the public Radio and Television of Slovakia (RTVS) is required to introduce the candidates and present their campaigns, this is optional for private-media organizations. Public-media coverage has become more balanced since 2010. In the parliamentary elections in March 2016, two controversial new rules, as adopted in 2014, were applied for the first time. The new ban on the publication of opinion poll results in the last 14 days before the elections was criticized for infringing upon the public's right to information. The ban on the broadcasting of political advertisement

by TV and radio stations in the 48 hours before election day was criticized for being selective by not including internet broadcasting and broadcasting from abroad. The implementation of the second ban was complicated by the fact that the law is not clear about whether the ban begins at midnight or at 7.00 am.

Slovenia

Score 9 While both the public and private media tend to focus on the bigger political parties, Slovenia's public-media regulatory system and pluralist media environment ensure that all candidates and parties have fair access to the media. The public TV and radio stations are obliged to set aside some airtime for parties to present their messages and their candidates. The establishment of a third public TV channel (mainly covering parliamentary debates) has provided additional airtime for political parties and candidate lists to present their views to the public. In the most recent election campaigns for the European Parliament, the national assembly and local government bodies (all in 2014), newly established political parties were given the opportunity to participate in pre-election debates held by the public broadcaster. Similar rules apply for referendum campaigns. In December 2015, supporters and opponents of the controversial referendum on the definition of marriage had the chance to present their views in the media.

Australia

Score 8 There are no explicit barriers restricting access to the media for any political party or candidate. The media is generally independent, and highly activist. Furthermore, the public broadcasters – the Australian Broadcasting Commission (ABC) and the Special Broadcasting Service (SBS) – are required under the Australian Broadcasting Act to provide balanced coverage. In practice, the two dominant parties attract most coverage and it is somewhat difficult for minor parties to obtain media coverage. For example, the ABC has a practice of providing free air time to each of the two main parties (Labor and the Liberal-National coalition) during the election campaign, a service not extended to other political parties. Print media is highly concentrated and biased toward the established parties. However, independent and minor-party Senators do attract considerable media attention when the governing party does not have a majority in the senate, and therefore requires their support to pass legislation. In recent decades, this has been the rule rather than the exception, and is indeed currently the situation.

In terms of advertising, there are no restrictions on expenditures by candidates or parties, although no advertising is permitted in the three days up to and including polling day. Inequity in access to the media through advertising does arguably arise, as the governing party has the capacity to run advertising campaigns that nominally

serve to provide information to the public about government policies and programs, but which are in fact primarily conducted to advance the electoral interests of the governing party.

Canada

Score 8

While national media outlets do demonstrate political orientations, in general there is fair and balanced coverage of election campaigns and parties. Under sections 335, 339 and 343 of the Canada Elections Act, every broadcaster in Canada is required to make a minimum of 390 minutes of air time during each federal general election available for purchase by registered political parties. The allocation of airtime among the parties is usually based on a formula that takes into account factors such as the party's percentage of seats in the House of Commons, its percentage of the popular vote in the last general election, and the number of candidates it endorsed as a percentage of all candidates. The Canadian system is one of paid political advertising; that is, any broadcasting time used before an election has to be paid for, and there is no free direct access. However, whether or not this translated into unequal access is unclear, as campaign spending regulations likely impose de facto limits on how much parties can actually spend on televised advertising time.

The Elections Act restricts the amount any outside group can spend on political advertising during a political campaign to CAD 200,001. Under the changes implemented to the act through bill V-23 in 2014, this sum also became the limit on any spending "in relation to an election," not just during the campaign itself, thus capping total spending on political communications in the four to five years between elections.

Citation:

Parliament of Canada, Bill C-23: An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, posted at <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6684613>.

Israel

Score 8

One of the cornerstones of Israeli democracy is its free press and other media. Laws have been enacted to ensure equality in media access for all candidates and parties. Moreover, the criteria for the allocation of airtime during election campaigning are impartial (i.e., not subject to arbitrary considerations) and determined by the chairperson of the central election committee. More specifically, the Election Law (Propaganda Means) states that the chairperson determines the radio broadcasting time provided to each list of candidates (currently, each list is entitled to 25 minutes, plus another six minutes for every member of the departing Knesset). All campaign-related broadcasts must be funded by the parties themselves and approved in advance by the chairperson. Recently, the elections law examination committee recommended withdrawing the radio and television broadcasting time reserved for

each party and the prohibition on broadcasting election propaganda during the last 60 days before an election as well as applying current laws to internet media.

While election broadcasting rights are fair and balanced, everyday equal access to media is challenged by the increasing popularity of the free daily “Israel Ha’yom,” owned by a prominent Likud party contributor. However, the Yediot Aharonot and Ynet news websites were accused of being anti-Netanyahu during the 2015 election campaign. A recent review by the state comptroller concluded that no such bias exists in these newspapers.

Citation:

Hattis Rolef, Susan, Ben Meir, Liat and Zwebner, Sarah, “Party financing and election financing in Israel”, Knesset Research Institute, 21.7.2003 (Hebrew).

Shwartz-Altshuler and Lurie, Guy, “Redesign the Israeli Election Propaganda Arrangements“, Israel democracy institute website 6.4.2015:

http://www.idi.org.il/%D7%A1%D7%A4%D7%A8%D7%99%D7%9D-%D7%95%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/redesigning_propaganda_regulations/ (Hebrew)

Tucker, Nati, “Following Gideon Sahar’s announcement: Geula Even will be reinstated to channel 1”, theMarker 17.9.2014: <http://www.themarker.com/advertising/1.2437045> (Hebrew)

Tucker, Nati, “ Israeli Media Asking Itself How It Got the Election So Wrong”, Haaretz 22.3.2015: read more: <http://www.haaretz.com/israel-news/elections/.premium-1.647959>

“Report to the Public”- The Elections Law Examination Committee, September, 2016, <http://bechirof.gov.il/election/vadattaamula/Documents/Interim-Report.pdf>

Persico, Oren, “Decided Not to Decide”The Seventh Eye Online Magazine, 19.10.2016, <http://www.the7eye.org.il/222015>

Tucker, Nati, “Following Gideon Sahar’s announcement: Geula Even will be reinstated to channel 1,” theMarker, 17.9.2014: <http://www.themarker.com/advertising/1.2437045> (Hebrew).

Tucker, Nati, “ Israeli Media Asking Itself How It Got the Election So Wrong”, Haaretz , 22.3.2015: <http://www.haaretz.com/israel-news/elections/.premium-1.647959> (English).

Italy

Score 8

A significant portion of television channels are owned by a single political leader, Silvio Berlusconi, and demonstrate a special favor toward him and his party. Overall, however, the media offers a reasonably fair treatment of all political candidates. The most important national newspapers and privately-owned television broadcasters offer fairly equal access to all positions. State television maintains a generally neutral position. Some political parties own their own media outlets, including daily newspapers (subsidized by the state) and small television channels. However, the impact of these media outlets is limited.

Access to television by parties and candidates is regulated by a law (Law 28/2000) that provides for equal time for each party during electoral campaigns. An independent oversight authority (Autorità per le Garanzie nelle Comunicazioni) ensures that the rules are followed and has the power to sanction violations. This power is effectively used. Public television is controlled by a parliamentary committee, which reflects the composition of the whole parliament. Although the government in office typically attracts more airtime than the opposition, the

treatment of the different parties by the public broadcaster is fairly balanced overall. In the print sector, the large variety of newspapers both with and without a clear political orientation provides sufficiently balanced coverage of all positions.

As the role of electronic (internet) and social media in political contests continues to grow, politicians and parties can rely increasingly on these new forms of media to reach citizens and voters more directly. This fact makes political players more independent from large media groups and public media.

Japan

Score 8

Access to the media for electioneering purposes is regulated by the Public Offices Election Law, and basically ensures a well-defined rule set for all candidates. In recent years, the law has been strongly criticized for being overly restrictive, for instance by preventing broader use of the Internet and other advanced electronic-data services. In April 2013, a revision of the Public Offices Election Law was enacted, based on bipartisan support from the governing and opposition parties; the new version allows the use of online networking sites such as Twitter in electoral campaigning, as well as more liberal use of banner advertisements. Regulations are in place to prevent abuses such as the use of a false identity to engage in political speech online.

Citation:

Nikkei.com: Diet OKs Bill To Allow Online Election Campaign, 19 April 2013

Matthew J. Wilson: E-Elections: Time for Japan to Embrace Online Campaigning, *Stanford Technology Law Review*, Vol. 4, 2011

Luxembourg

Score 8

All newspapers have close ties to political parties, reflecting the ownership of the publications. They tend to be biased or rather partisan, especially during election campaigns. While *Luxembourger Wort* was always close to the Christian Social People's Party, *Tageblatt* is affiliated with the Luxembourg Socialist Workers' Party and the *Journal* has a close link to the Democratic Party. To counter a dwindling readership, newspapers have adopted a more balanced line over recent years, reducing their political bias to the benefit of smaller parties and organizations at the same time. Since there are no significant public broadcasters, the main private broadcaster *Radio Télé Luxembourg* guarantees balanced reporting according to its concession contract with the state of Luxembourg. During election campaigns, parliament provides the political party lists with airtime and the opportunity to broadcast television ads. Furthermore, the government organizes roundtables with candidates from all lists. The financing of election campaigns, especially the distribution of promotional leaflets by mail, is regulated by law.

The media market is becoming more pluralistic. Reports and comments in print media are less partisan than previously and more media distances itself from party influence. The government expects to revise press subsidies in the near future, with the aim of redistributing financial aid to support online media as a supplement to classic print media.

Citation:

Des médias. Service information et presse du gouvernement luxembourgeois, 2013. www.luxembourg.public.lu/fr/publications/e/ap-medias/AP-Medias-2013-FR.pdf. Accessed 21 Feb. 2017.

“Jetzt doch Aufstockung der Pressehilfe?” Luxemburger Wort, 17 Sept. 2015, www.wort.lu/de/politik/medien-jetzt-doch-aufstockung-der-pressehilfe-55fa88ed0c88b46a8ce6030d. Accessed 21 Feb. 2017.

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“Presse écrite.” Le portail officiel du Grand-Duché de Luxembourg, 7 Apr. 2015, www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/. Accessed 21 Feb. 2017.

Stoldt, Jürgen. “Pressehilfe im Zeitalter der Medienkonvergenz.” Forum.lu, Oct. 2015, www.forum.lu/wp-content/uploads/2015/12/8192_355_STOLDT_Jürgen.pdf. Accessed 21 Feb. 2017.

Norway

Score 8

Candidates and parties are free to purchase political advertising in print publications and on the Internet. Advertisements from political parties are not allowed on television or radio. This ban has been subject to some controversy, with the populist Progress Party advocating a removal of the restriction. The other political parties are opposed to changing the law.

Television and radio broadcasters, both public and private, organize many electoral debates, to which all major parties (those with a vote share larger than 3% in the previous election) have fair access. There is no direct government interference in choosing the teams of journalists that conduct debates. In general, however, representatives of the larger parties are interviewed more often and participate in more debates than do small-party candidates. Political advertising during election campaigns is extensively regulated to ensure that voters are aware of sources.

The Norwegian media landscape is rapidly changing as digital media replaces print media, which is struggling to survive. In parallel, traditional media houses see that revenues from ads are moving away from Norway to global companies (e.g., Google and Facebook) which contribute little in terms of tax revenues and the promotion of Norwegian culture and language.

Spain

Score 8

All Spanish democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law (Organic Law 5/1985)

regulates strictly the access to public television and public radio networks during electoral campaigns. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections. A similar system operates with regard to news coverage, where the time allocated to each party is also proportional to the previous electoral results. New candidates or parties find it difficult to gain public media access in this system, though it did not prevent Podemos and Ciudadanos from achieving their electoral gains in December 2015 and June 2016.

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, the largest media organizations have a strong tendency to favor the mainstream parties or the more well-known candidates in their day-to-day coverage; in particular the PP and nationalist leaders in Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is more difficult. They must rely on the internet and small direct digital TV channels.

In short, the Spanish media system as a whole does not provide all political positions with absolutely fair and balanced access to the media, but pluralist coverage is indeed achieved.

Citation:

Mayo 2016, El Confidencial: "Iglesias y Rivera manejan mejor los medios que Rajoy y Sánchez, según estudio"
http://www.elconfidencial.com/ultima-hora-en-vivo/2016-05-18/iglesias-y-rivera-manejan-mejor-los-medios-que-rajoy-y-sanchez-segun-estudio_912541/

Austria

Score 7

During electoral campaigns, all parties with parliamentary representation have the right to participate in non-biased debates hosted on the public broadcasting system. This can be seen as an obstacle to new parties, which are not covered by this guarantee.

There is no such rule for the private media, either print or electronic. While political parties today rarely own media organizations outright, print-media organizations more or less openly tend to favor specific parties or their associated political positions.

Political parties have what is, in principle, an unlimited ability to take out print advertisements, as long as the source of the advertisement is openly declared. This gives established parties with better access to funding (especially parties in government) some advantage.

However, the access to present a party's perspectives depends on its financial capacity. Despite rules, recently implemented to guarantee some balance, it became publicly known that some parties have significantly overspent during the electoral campaign of 2013 and therefore clearly violated the rules. Moreover, in 2016, during the electoral presidential campaign, the two candidates for the final (second) round were unable to reach a consensus on how to control campaign spending.

Belgium

Score 7

All mainstream political parties, or so-called democratic parties, have broadly equal access to the media (however, equal media airtime is not guaranteed by law). Minor parties and so-called non-democratic (essentially post-fascist) parties do not have equal access to media, as the main TV stations, for instance, reserve the right to ban such political parties from broadcasts. Print media also offers broad and mostly balanced coverage of political parties, although some newspapers may have preferential links to this or that party "family."

The influence of post-fascist or national-populist parties varies depending on geographical region. In Flanders, the national-populist Vlaams Belang is considered to be an acceptable party for media interviews and broadcasts. The communist PTB/PVdA receives considerable media coverage across the country since it is now represented in parliament, has a quite mediagenic leader and is popular in polls (especially among French-speaking Belgians). All other parties have quite fair access to the media. Difficulty of access seems to be a substantial issue only for ultra-minority parties, largely because of their small size.

Cyprus

Score 7

No legal framework governs parties and candidates' access to print and online media. However, almost all newspapers and their online editions offer coverage to all parties and candidates.

The Law on Radio and Television 7(I)/1998 requires equitable and non-discriminatory treatment of the executive and legislative powers, the political forces and other actors in society, while the law governing the public-service broadcaster (Cyprus Broadcasting Corporation, RIK) refers only to equitable treatment of political actors. Equity must be respected in particular during pre-election periods, three months before election day. Air time must be allotted in accordance with political parties' share of parliamentary seats and territorial reach.

Broadcasters are required to comply with a self-produced code of coverage. Monitoring of commercial broadcasters is performed by the Cyprus Radio Television

Authority (CRTA), which also produces an annual report on the remit of the public broadcaster. Codes of conduct have almost never been publicly available, and compliance reports are rarely produced or have generic content. Paid political advertising on broadcast media is allowed during the 40 days preceding elections.

Although reports are not available to the public, the rules on media access appear to be in practice respected. All political groupings and candidates are given coverage, free air time on public and commercial media, and sometimes paid advertising. No case by parties and candidates claiming more access has ever succeeded in courts. Although improvements in legislation and practice are needed, no notable cases of discrimination have been evident.

More generally, women candidates have a worryingly low level of participation and visibility in the media, while the parties with greatest access represent only a narrow ideological spectrum.

Citation:

1. The Law on Radio and Television Stations, L. 7(I)/1998, available at http://www.cylaw.org/nomoi/enop/non-ind/1998_1_7/full.html (in Greek).
2. Report on RIK, public broadcaster 2014, CRTA, http://crt.a.org.cy/images/users/1/EKTHESI_RIK_2014.pdf
3. Regulations on fair treatment of parties and candidates, Normative Administrative Acts (NAA) 193/2006 available at http://www.cylaw.org/nomothesia/par_3/meros_1/2006/1641.pdf (in Greek), and NAA 207/2009 (on European Parliament Elections), available at http://www.cylaw.org/nomothesia/par_3/meros_1/2009/1087.pdf (in Greek).
4. On candidates claims for equal treatment, see, Supreme Court - Revisional Jurisdiction, Case 128/2013, Praxoula Antoniadou v. Radio Broadcasting Corporation, Decision 13 January 2014, available at http://www.cylaw.org/cgi-bin/open.pl?file=/apofaseis/aad/meros_4/2014/4-201401-128-13apof.htm (in Greek)

Iceland

Score 7

Formally, all parties or candidates have equal access to media. There are no restrictions based on race, gender, language, or other such demographic factors. However, parties already represented in the national parliament or in local councils have an electoral advantage over new parties or candidates. Furthermore, in the 2013 parliamentary election campaign, several media organizations systematically discriminated against small or new parties, which opinion polls had indicated were unlikely to surpass the 5% minimum vote threshold. However, the state-run media covers all major parties. During the election campaign in the autumn 2016, small parties had fewer complaints.

Latvia

Score 7

Electoral candidates and every political party have equal access to the media. Publicly financed election broadcasts on public and private television are equally available to all.

The media system as a whole provides fair and balanced coverage. Individually, however, media outlets do not consistently provide fair and balanced coverage of the range of different political positions. Local newspapers and electronic media in Latvia's rural regions are often dependent on advertising and other support from the local authorities, sometimes leading to unbalanced coverage favoring incumbents. Meanwhile, the opaque ownership structures of media outlets mean that support for political actors is often implied rather than clearly stated as an editorial position. Corrupt political journalism has been prevalent across a wide spectrum of the media. There are also marked imbalances in media coverage related to the different linguistic communities. For example, both Latvian and Russian language media demonstrate a bias toward their linguistic audiences.

Citation:

1. Report on Parliamentary Elections in Latvia, p.2, Available at: <http://www.osce.org/odihr/elections/86363>, Last assessed: 17.05.2013

2. Rožukalne, A. (2010), Research Paper on Hidden Advertising Issues in the Media, Available at (in Latvian): http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009, Last assessed: 20.05.2013

United Kingdom

Score 7

The media play a central role in political campaigning, and the importance of coverage has further increased in recent years through the rise of social media and the internet. Television remains the most important medium for campaigning in general elections. Paid TV advertising is prohibited for political parties, who can only advertise in newspapers. However, major parties are granted a certain amount of free time for TV advertising, a concession that is not available to minor parties and which could be construed as a deterrent to them. Coverage on television is fair and balanced, and policed by Ofcom, the industry regulator. Broadcasters are required to be balanced in their coverage of parties, especially at election time. No such restrictions exist for the print industry and indeed there is strong tradition of partiality, especially by some newspaper groups that are prominent in national political life, visible once more during the referendum. There is therefore a marked imbalance between print and broadcast.

United States

Score 7

In a formal and legal sense, media access is fair, although the U.S. media exhibit some significant biases. There are only modest publicly funded media: the Public Broadcasting System (PBS, for television); National Public Radio (NPR); and C-SPAN. Most media organizations are privately owned, for-profit enterprises. Private media organizations are formally independent of the political parties and the government and at least nominally have independent editorial policies. Nevertheless, media content reflects several biases. In election campaigns, media coverage of candidates and parties generally reflects the strength and popularity of the competing

campaigns, with more favorable coverage going to the leading candidate, regardless of party. Finally, in election campaigns, media messages are often dominated by paid advertising. Such advertising can reflect massive imbalances in the fundraising capabilities of the opposing candidates or parties, with a modest, inconsistent advantage for the Republicans. The overwhelming volume of paid advertising certainly reduces the benefit of the major parties' relatively free and equal access to news coverage. In the 2016 Republican presidential-nomination campaign, media organizations (e.g., Fox News and CNN) used national poll standings to decide which of up to 17 candidates would be invited to participate in televised debates. Although the selection was unbiased, the debate format (with a lead group of candidates appearing together on stage) essentially dictated the exclusion of the candidates who were least popular in the initial states. Additionally, Donald Trump had much more free air-time on private media compared to his contenders during the primaries and the general election. This is in part the result of profit-oriented private media.

Bulgaria

Score 6

Media access for candidates and parties differs drastically between publicly and privately run media. The public broadcast media – one TV and one radio station with several channels each – are required by law to provide full and balanced coverage and to set aside time for every candidate and registered party or coalition to make their own presentations. With usually a large number of parties or candidates in the running, including the case of the 2016 presidential elections, splitting the time between all is a serious challenge that leaves most participants dissatisfied.

By contrast, access to the privately held media, especially print media, is less equal. In many cases, this is due to the fees incurred by the outlet, which means better-financed parties or candidates have an advantage over the rest here. Many private media firms are in the hands of business groups heavily involved in dealings with the state. These organizations tend to present the ruling majority in a positive light, or to block the access of competing political candidates, in exchange for favorable business deals. In the case of local elections, many of these media outlets support specific local candidates and ad hoc coalitions connected to these special interests.

Czech Republic

Score 6

The electoral law guarantees parties access to state radio and television, with a total of 14 hours set aside for all parties to express their views with equal allocation irrespective of the party's size or previous electoral performance. Thus, all parties do have access to the public media, although presentations are often tedious and unlikely to hold viewers' and listeners' attentions. Space is also provided by

municipalities for billboards, and political advertisements are carried in newspapers. There is an obvious bias toward more coverage and presentation for the larger parties, however, reflecting the parties' greater resources and also media perception that such parties are more important. Moreover, MAFRA, the media holding owned by Andrej Babiš, founder of ANO and Minister of Finance, have been criticized for their political bias. In summer 2016, leaders of five major political parties for that reason refused to participate in a debate organized by an online branch of the main weekly MF Today, part of MAFRA. Concerns about uneven media access led to the passage of a law deeming media ownership (defined as printed media, radio or television) as incompatible with governmental position in the Chamber of Deputies, the first chamber of parliament, in September 2016 ("Lex Babiš").

Mexico

Score 6

The electoral process in Mexico is subject to a comparatively high degree of regulation. This is in response electoral fraud and rampant clientelism during the authoritarian regime, when the playing field was tilted in favor of the hegemonic PRI. During the transition to democracy, electoral laws were revised to ensure more equitable conditions for the main opposition parties.

Currently, all political parties are eligible for public financing, the volume of which corresponds to their electoral strength. There are restrictions on the amount of money parties are allowed to raise and spend. Media access during the official campaign period is regulated to ensure equality. Nevertheless, outside the tightly regulated political campaigns, news coverage is often biased, especially on television. For example, the current Peña Nieto administration is very close to major broadcasting networks, especially Televisa.

Mexico is one of the world's most dangerous countries for journalists. Journalists are routinely harassed, kidnapped and even murdered. These dangers particularly affect journalists working for subnational news outlets as well as those who report critically on corruption and linkages between politicians and organized crime. The federal government has generally failed to act decisively to protect journalists. Thus, even though press freedom is codified in national laws, in practice there are substantial restrictions on what journalists can safely report on.

Citation:

<https://www.article19.org/resources.php?tagid=275>

South Korea

Score 6

Candidates' access to the media depends on the type of media. The print media remains dominated by three big conservative newspapers with a clear political bias.

However, there are smaller newspapers that support the opposition. Access to TV and radio is more even-handed, although government intervention has increased since the Lee Myung-bak administration. Under President Park Geun-hye, the Blue House exerted strong pressure on the country's major broadcast networks to appoint political supporters of the president as CEOs, and employed high-ranking network hosts or journalists as Blue House spokespeople. Despite candidates' generally fair access to the media, these political pressures could hamper fair and free communication and distort public opinion.

Blogging and social networks have played an important role in South Korean politics and in the country's broader internet culture in recent years. The immensely controversial National Security Law also applies to online media. Nevertheless, South Korean society is one of the world's most internet-focused societies, with almost universal access to the internet and an increasing shift from the use of print media to online media (especially among the younger generation). This is why some argue that the obvious conservative bias of mainstream newspapers is less and less relevant as a factor in assessing fair media access during election campaigns. On the other hand, the Korea Communications Standards Commission and the National Election Commission have sought to block accounts or fine online users for online comments critical of the government or the ruling party. However, some of these fines have been overturned by court decisions. Recently, the use of social-media bots to influence online discussions has become a matter of concern.

Another gray area is the opaque character of South Korean election law concerning allowable support for candidates during the election period, which can last for up to 180 days before an election. According to some interpretations of Article 93 of the election law, all public expressions of support for candidates or parties is illegal during that period. On 29 December 2011, the Korean Constitutional Court ruled that Article 93 was unconstitutional in restricting expression of opinions on the internet. However, the ruling had little effect with regard to restricting other media activities or campaigning in general.

Citation:

"Do you know the dismissed journalists?" Journalists Association of Korea, January 20, 2016. (in Korean) <http://www.journalist.or.kr/news/article.html?no=38319>

Croatia

Score 5

Amendments to the election law in February 2015 changed the legal framework for media coverage of parliamentary elections, with a view toward ending the "clogging" of the media space by minor candidates. The amendments have removed the obligation of private broadcasters to cover the campaign and left it up to public broadcasters' discretion to provide candidates proportional rather than equal time in news and analysis. Moreover, debates among candidates have been restricted to only one per broadcaster. After the public broadcaster HRT decided to involve only five

parties (a decision based on public opinion polls) for a scheduled debate in the run-up to the 2015 parliamentary elections, the State Electoral Committee judged this decision to be arbitrary and the debate was cancelled. Before the 2016 parliamentary elections, HRT broadcast a debate with only the leading candidates of the two biggest parties, thereby ignoring MOST's strong showing in the previous elections and its strategic role. MOST and the smaller parties thus complained of discrimination.

Malta

Score 5

Malta has both state and private media. The Maltese constitution provides for a Broadcasting Authority (BA) to supervise broadcasting and ensure impartiality. During elections, the BA provides for equal time for the two major political parties on state television on its own political debate programs as well as airtime for political advertising. However, smaller parties or independent candidates do not receive equal treatment on state media. The lack of impartiality of the public broadcasting service (PBS) also hinders equal treatment for all political parties. The two major political parties also have their own radio and television stations, which give them an advantage over smaller parties. The BA requires party-run media to allow for a right of reply to an aggrieved party or individual. In general, the print media is regulated by the Press Act. The two major parties also run or control a number of newspapers. While the act does not override editorial discretion in granting access to political candidates, it does provide for a similar right of reply mechanism, as is the case with broadcasters. However access to newspapers becomes increasingly restricted at election time and unrestricted access is obtained at a cost.

Due to increased competition and the proliferation of privately-owned radio and television stations, all candidates can now obtain airtime to present their views, albeit at a cost. Social media networks have provided individuals and non-political groups with an important platform independent of the party media.

Citation:

<http://www.ba-malta.org/prdetails?id=246>

Social Media during the 2013 General Election in Malta. Department of Information Malta

www.consilium.europa.eu/media/.../1-st-panel-oswald-main-slide-speaker...

Sammut,C (2007) Malta and the Media Landscape

Poland

Score 5

Legally, parties and candidates have equal access to public and private media. At least for nationwide candidate lists, the election code requires public TV and radio stations to reserve time for the free broadcasting of campaign materials and for televised candidate debates. The pluralistic nature and quality of the private media in Poland had allowed all parties and candidates the opportunity to reach the public

with their messages, although public broadcasters were hesitant to give equal broadcast time to ‘second-order’ candidates in the campaign for the first round of the 2015 presidential elections. After PiS took power in October 2015, they introduced new legislation on public TV and Radio in December 2015 which has strongly increased a partisan bias in public media reporting. In the coming elections, media access for parties and candidates will be unbalanced.

Romania

Score 5

Campaign coverage by broadcast media, both private and public, is subject to detailed and complex regulations. The law provides for free access to public television and radio for all parliamentary parties to promote their platforms. Such access is also granted to non-parliamentary parties that submit full candidate lists in at least 23 constituencies. Broadcasting time granted by public and private broadcasters and editorial boards must ensure non-discriminatory conditions. However, the monitoring capacity and the sanctioning power of the National Audiovisual Council, the regulatory body in charge, are limited. Media access in a broader sense is uneven, as the public media has been susceptible to governmental and parliamentary influence, while private media is biased by its owners’ political and economic interests. Talk-show hosts and political programs seldom invite speakers with views other than those of the media outlet’s owner, and politicians and companies that buy ads often ask media outlets to refrain from criticizing them.

Citation:

OSCE/ODIHR (2016): Needs Assessment Mission Report: Romania, Parliamentary Elections 11 December 2016, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/romania/278346?download=true>).

Chile

Score 4

Access by candidates and parties to public TV channels is regulated by law (Law No. 18,700, Ley Orgánica Constitucional sobre Votaciones Populares y Escrutinios, and Law No. 18,603, Ley Orgánica Constitucional de los Partidos Políticos). Given the high concentration of media ownership with a specific political viewpoint, candidates and parties de facto lack equal opportunity of access to a plurality of media and other means of communication. La Nación, a former daily paper owned and run by the state, stopped publishing a print edition under former President Sebastián Piñera’s administration (although the publication is still accessible online). Chile’s largest free TV channel (TVN) is state-owned, and is required by law to provide balanced and equal access to all political views and parties – a regulation which is overseen by the National Television Directorate (Consejo Nacional de Televisión, CNTV). The private media is mainly owned and/or influenced by elite associated with the Chile Vamos (until 2015, Alianza por Chile) coalition, which currently represents the opposition. Although La Nación and TVN are state-owned,

they must operate according to market rules, relying on advertising revenues and strong audience ratings. In general, regional candidates tend to have fewer media-access opportunities due to the strong centralization of Chile's political and media systems.

Hungary

Score 2

In the referendum campaign in 2016, media access was even more uneven than in the 2014 election campaign. The Orbán government ignored the still existing formal duties for balanced coverage and exerted strong control over public media. As well, a large share of private media is owned by oligarchs close to Fidesz. For instance, Hungary's state-owned TV network M1 showed a strong pro-government bias in primetime news programming during the referendum campaign. 95% of airtime allotted to refugees and the referendum endorsed the government's position, and 91% of related news items were negative about refugees. M4, another public TV network, broadcasted all government campaign ads as "social" ads - a practice that was found illegal even by the Kúria, previously the Supreme Court, and provoked a sharp discussion in the Constitutional Court. While a number of independent media outlets still exist, and the citizens can look to internet-based media, most of the population, in particular the elderly, those in the lower social strata and people without foreign language skills have only very limited access to balanced information. After the failed anti-refugee referendum, the Orbán government radically rearranged the advertisement market by handing control over billboards to pro-government companies and subnational governments.

Citation:

Democracy Reporting International (2016), Hungary's state-owned TV shows bias in EU-refugee referendum. Berlin, October 2 (<http://democracy-reporting.org/hungarys-state-owned-tv-shows-bias-in-eu-refugee-referendum/>).

Turkey

Score 1

According to Law 3984 on the establishment of radio and television enterprises and broadcasts, "equality of opportunity shall be established among political parties and democratic groups; broadcasts shall not be biased or partial; broadcasts shall not violate the principles of election bans which are determined at election times."

Currently, most mainstream media companies, including the state-owned radio and television company (TRT), are either directly or indirectly controlled by the government. Privately owned media outlets face either judicial or financial investigations, and media freedom is thus being placed at risk in an unconstitutional manner. A member of the Radio and Television Supreme Council (RTÜK) revealed that in the period before the parliamentary elections (1 – 25 October 2015), the TRT provided 30 hours of coverage to the prime minister, in comparison to five hours for

the Republican People's Party (CHP) leader, 70 minutes for the Nationalist Action Party (MHP) and only 18 minutes for the Peoples' Democratic Party (HDP) leaders. During the same period of time, the 12 nationwide television channels, including the TRT, allocated 138 hours of live broadcasting time to covering President Erdoğan's various activities.

In general, the existing structure of media ownership, the degree of cartelization and the media's business relations with the state violate the provisions of Law 3984, Article 29. The current legal framework easily enables the authorities to block Turkish residents' access to Internet sites and other electronic media. The incidence of violence against journalists and media outlets has increased. During the elections, the environment was characterized by media politicization, limited criticism of the government, the closure of several television channels that had been critical of the government, and judicial investigations against these channels on charges of supporting terrorism.

After the 15 July coup attempt, government control over "mainstream" media increased even further. The visibility of the opposition members in the news media gradually deteriorated. This was felt most dramatically by HDP parliamentarians who faced allegations of supporting terrorism and whose immunity was suspended in the months following 15 July.

Citation:

Gençkaya, Ömer Faruk, Umut Gündüz and Damla Cihangir-Tetik, Political Finance and Transparency İstanbul: Transparency International Turkey Chapter, 2016. <http://www.seffalik.org/wp-content/uploads/2016/01/Siyasetin-Finansman%C4%B1-EN.pdf>. (accessed 16 January 2016)

Money, Politics and Transparency, Turkey Report, 2015, <https://data.moneypoliticaltransparency.org/countries/TR/> (accessed 27 October 2015)

MHP leader pledges to bring public broadcaster to book for one-sided election coverage, Hürriyet Daily News, 27 October 2015, <http://www.hurriyetdailynews.com/mhp-leader-pledges-to-bring-public-broadcaster-to-book-for-one-sided-election-coverage.aspx?pageID=238&nID=90414&NewsCatID=338> (accessed 27 October 2015)

OSCE/ODIHR (2011) Republic of Turkey Early Parliamentary Elections, 12 June 2011. OSCE/ODIHR Election Assessment Mission Report, <http://www.osce.org/odihr/84588>.

OSCE/ODIHR, Republic of Turkey Presidential Election 10 August 2014 OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014, <http://www.osce.org/odihr/elections/turkey/119439?download=true>

Indicator

Voting and Registration Rights

Question

To what extent do all citizens have the opportunity to exercise their right of participation in national elections?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = All adult citizens can participate in national elections. All eligible voters are registered if they wish to be. There are no discriminations observable in the exercise of the right to vote. There are no disincentives to voting.
- 8-6 = The procedures for the registration of voters and voting are for the most part effective, impartial and nondiscriminatory. Citizens can appeal to courts if they feel being discriminated. Disincentives to voting generally do not constitute genuine obstacles.
- 5-3 = While the procedures for the registration of voters and voting are de jure non-discriminatory, isolated cases of discrimination occur in practice. For some citizens, disincentives to voting constitute significant obstacles.
- 2-1 = The procedures for the registration of voters or voting have systemic discriminatory effects. De facto, a substantial number of adult citizens are excluded from national elections.

Australia

Score 10

No changes to voting rights occurred in the review period. Registration on the electoral roll and voting are compulsory for all Australian citizens aged 18 years and over, although compliance is somewhat less than 100%, particularly among young people. All adult citizens can participate in federal elections and there is no evidence that any person has been prevented from voting. Though prisoners serving terms of three years or more are not entitled to vote in federal elections until after their release.

Finland

Score 10

Electoral provisions stipulate universal suffrage for all adult Finnish citizens, a secret-ballot voting method, a minimum voting age of 18, non-compulsory voting, an entitlement to vote for expatriated Finnish citizens, and the exclusion of non-Finnish nationals resident in Finland from national elections. However, non-Finnish permanent residents may vote in municipal elections. The population registration center maintains a register of persons eligible to vote, and sends a notification to those included in the register. Citizens do not need to register separately to be able to vote. A system of advance voting has been in place for several decades now, and the proportion of ballots cast in advance has risen significantly. Electronic voting was tested during the municipal elections of 2008, but has not been adopted in

subsequent elections. However, the government declared internet-based voting methods as a target and set up a working group to examine technological solutions, costs and impact.

Citation:

Dag Anckar and Carsten Anckar, "Finland", in Dieter Nohlen and Philip Stöver, eds. *Elections in Europe. A Data Handbook*, Nomos, 2010.

Germany

Score 10

German citizens (Basic Law, Art. 116 sec. 1) aged 18 or older are eligible to vote and run for election to the Bundestag, provided that they have resided in Germany for at least three months (Federal Electoral Act, sections 12.1, 15). By judicial order, the right to vote can be denied to criminals, persons lacking legal capacity and convicts residing in a psychiatric hospital (Federal Electoral Act, sec.13). Prior to an election, every registered citizen receives a notification containing information on how to cast a vote as well as an application form for postal voting. Today, postal voting is widely used, largely without issue (according to the Federal Returning Officer, in the last general election 24.3% of registered voters voted by mail). Citizens not included in the civil registry (e.g., homeless people) are eligible to vote but have to apply to authorities in order to be registered.

After the Federal Constitutional Court declared some provisions regarding the voting rights of Germans living abroad to be unconstitutional, a new amendment on the issue was drafted and passed in May 2013. Today, Germans living abroad have the right to vote (Federal Electoral Act, sec. 12) if they have lived at least three months in Germany after their fifteenth birthday and have not lived more than 25 years abroad without interruption. Those who do not fulfill these requirements are still eligible to cast their vote if they can verify that they are both familiar with and affected by German political conditions. Germans living abroad have to register to vote with the authorities of their last domestic residence at least 21 days before the election. They can then cast their vote by mail (cf. Federal Elections Act sections 36, 39 and Federal Electoral Regulations).

During the period under review, there were several state elections (Baden-Wuerttemberg, Rhineland-Palatinate, Saxony-Anhalt, Mecklenburg-Vorpommern and Berlin). As in previous elections, no major irregularities or complaints about voter registration, voter lists or postal voting were reported.

Citation:

OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: <http://www.osce.org/odihr/elections/109518?download=true> (11/05/2014).

Postal ballot:

Information provided by the Federal Returning Officer

<http://www.bundeswahlleiter.de/de/glossar/texte/Briefwahl.html>

Federal Elections Act (BWG) Sections 36, 39

Federal Electoral Regulations (BWO) Sections 20, 25 to 31, 66, 74, 75

Greece

- Score 10 All Greek citizens of at least 18 years of age have the right to vote, with the exception of some of those serving a prison sentence (depending on court decisions). In July 2016, the Greek Parliament voted to lower the minimum voting age to 17 years old. There is no discrimination in the exercise of the right to vote nor any disincentives for voting. Upon being born, Greeks are registered by their parents in the municipality where their family resides. These records serve as lists of citizens eligible to vote. There is, however, a need to clean these records to remove persons who are deceased or have permanently migrated to other countries. In other words, records include names of voters who will never turn out to vote. Thus, turnout rate, as reported on election day, is calculated on a sum total of voters which is probably higher than the actual number of eligible voters.

Citation:

<http://aceproject.org/epic-en/countries/CDCountry?country=GR> [accessed on 11.05.2013]

Iceland

- Score 10 Iceland's voting procedure is unrestricted. If an individual is registered as a voter within a constituency, he or she only has to present personal identification to cast a vote. Every person 18 years or older has the right to vote.

Netherlands

- Score 10 Contrary to other civil rights, the right to vote in national, provincial or water board elections is restricted to citizens with Dutch nationality of 18 years and older (as of election day). For local elections, voting rights apply to all registered as legal residents for at least five years. Convicts have the right to vote by authorization only; as part of their conviction, some may be denied voting rights for two to five years over and above their prison terms. Since the elections in 2010, each voter is obliged to show a legally approved ID in addition to a voting card. Legally approved IDs are a (non-expired) passport or drivers' license.

Citation:

art J24 Kieswet:

http://wetten.overheid.nl/BWBR0004627/AfdelingII/HoofdstukJ/6/ArtikelJ24/geldigheidsdatum_24-05-2013

art 1 Wet op Identificatieplicht:

http://wetten.overheid.nl/BWBR0006297/geldigheidsdatum_24-05-2013#HoofdstukI_Artikel1

New Zealand

- Score 10 New Zealand's electoral process is inclusive. The voting age was lowered from 21 to 20, and then again to 18 in 1974. Permanent residents of 12 months standing are given the right to vote in national elections. For those who move offshore, they

remain eligible to vote, providing they return home every twelve months. Citizens who live elsewhere retain their eligibility for three years. While it is compulsory to register to vote, the act of voting is voluntary (despite facing a potential fine, a growing number of young voters choose not to register). Indigenous Maori may register to vote on either the Maori electoral roll or the general roll. There are seven designated Maori seats in the current legislature. Additional Maori representatives are elected on the general roll. Electoral boundaries are redistributed every five years. Beyond legal regulations, there are focused and ongoing activities, especially by the Electoral Commission, to increase political efficacy and turnout by ethnic minorities, those with disabilities, as well as young voters. In 2014, it announced plans to implement a phone dictation voting service for blind voters and those with physical disabilities that prevent them from marking their voting paper independently and in secret. Whereas electoral turnout in the postwar period tended to fluctuate between 85% and 91%, in 2014, turnout has increased for the first time since 2005, with some 78% of voters participating in the 2014 election. Registering for an election can be done electronically. Registered voters then receive an “easy vote” pack with further voting information.

Citation:

Access 2011: Accessibility Action Plan for the 2011 General Election and Referendum on the Voting System (Wellington: Electoral Commission 2011).

Annual Report of the Electoral Commission for the year ended 30 June 2012 (Wellington: Electoral Commission 2012), pp. 8-9.

<http://www.elections.org.nz/voters/voting-election/easyvote-cards-make-it-easy> (accessed October 8, 2014).

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Raymond Miller, *Democracy in New Zealand*, Auckland, Auckland University Press, 2015, chapters 1, 5 and 9.

Norway

Score 10

All Norwegian citizens who are 18 years old or older have the right to vote in parliamentary elections. In local elections, permanent residents who have resided in Norway for at least five years have the right to vote. There is no requirement of prior registration. Each eligible citizen receives a voting card sent by mail. It is possible to vote before the election through the post or at specific locations, including at Norwegian embassies abroad. There has been no allegation from any political party that the electoral process is not inclusive. Election turnout is high and discrimination is rarely reported. Young voters “learn” voting behavior in schools by participating in a school vote prior to reaching the age of voting eligibility. Some municipalities have experimented with a voting age of 16 in local elections.

Poland

Score 10

The 2011 election code made voting rights more transparent by consolidating provisions for different election levels into a single law. Almost all adult citizens in Poland have the right to vote. While there is no blanket disenfranchisement of convicts or individuals who have been declared incapacitated, existing provisions are not fully in line with the rulings of the European Court of Human Rights. As Polish citizens are automatically registered to vote, there is no need for prior registration before elections. Since August 2014, all citizens, not only the disabled and those living abroad, have been able to vote by mail. In the November 2014 local elections, an information-technology failure led to delays in the reporting of the election results. While an expert commission did not find any evidence of voting-fraud, a series of technical problems might have contributed to moderate bias in the electoral outcome. The 2015 presidential and parliamentary elections went more smoothly.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Poland: Parliamentary Elections 25 October 2015, Warsaw, 6-8 (<http://www.osce.org/odihr/elections/poland/217961?download=true>).

Slovenia

Score 10

The electoral process is largely inclusive at both national and local levels. All adult citizens, including convicted prisoners, can participate in elections, and no cases of voting irregularities have occurred. Voters that will not be in their place of residence on election day can ask for a special voter's pass that allows voting at any polling station in the country. While there is no general postal vote, Slovenian citizens who live abroad as well as disabled persons unable to make it to the polling station can exercise their voting rights by mail. One Slovenian peculiarity are the special voting rights for the Hungarian and Italian minorities and the Roma population. Members of the Hungarian and Italian minorities can cast an additional vote for a member of parliament representing each minority in the national parliament. In the case of local elections, a similar provision exists for the Roma population in all municipalities with a substantial Roma minority.

Sweden

Score 10

The Swedish electoral system meets the highest requirements in terms of eligibility, transparency and the basic right to participate. There are no legal obstacles to anyone who wants to run in an election. Political parties conduct candidate selection without any interference from the state, and the media closely monitor the parties during the selection process. Electoral turnout has always been high and increased in the 2006 and 2010 general elections, reaching almost 85% and indeed surpassing that level in the 2014 general elections.

Citation:

Valmyndigheten (<http://www.val.se/>).

Switzerland

Score 10

Formal procedures and rules in the area of voting and registration rights are those of a model democracy. However, there are at least two problems.

The first relates to the proportional voting system for elections. Small parties from small electoral districts successfully claimed before the Federal Court that they have effectively no chance of winning one of the very few seats allotted to these districts. The court then ruled that every citizen must have the same influence on elections. Therefore, the size of districts must be designed in such a way that there are at least 10 seats at stake, thus giving small political parties a real chance to win a seat. Several cantons affected by the ruling reorganized their electoral system and districts accordingly. However, the court's decision is not very coherent. It forces the cantons to guarantee that voters within a canton will have an equal degree of influence, but accepts that federalism leads to much more significant inequalities of influence at the national level.

This leads to the second challenge. It is certainly true that the decentralized federal structure of Switzerland as a multicultural country gives some citizens much more electoral influence than others. This is particularly true of representation within the Council of States (Ständerat), the country's second parliamentary chamber (which is modeled after the U.S. Senate). Each canton is entitled to two representatives. The Council of States has the same power as the National Council (Nationalrat), while the size of cantons varies by as much as a factor of 36. This means that a citizen of the canton of Zurich, which has 36 times more inhabitants than the canton of Uri, has considerably less political power than one of Uri. This overrepresentation of small cantons has real effect within the bicameral parliament's legislative process. Historically, these strongly protected minority rights are traceable to the denominational conflicts of the 19th century. However, one can argue that this denominational definition of minority status no longer holds importance. This would mean that the strong overrepresentation of small cantons should somehow be modified. So far, all parliamentary initiatives aiming at such a reform have failed.

Austria

Score 9

Voter registration and voting rights are well protected. Registration is a simple process, taking place simultaneously with the registration of a residence. Citizens must be at least 16 to vote. The country has made efforts to allow non-resident citizens to vote from overseas.

The relative difficulty in obtaining citizenship, and thus voting rights, represents a more problematic aspect of the political culture. According to some mainstream interpretations of democracy (e.g., following Robert Dahl), all legal residents should have the right to vote and therefore the right to citizenship. However, Austria's system does not provide most long-term residents with a simple means of obtaining naturalization and voting rights.

The presidential elections of 2016 led to a debate about the handling of absentee voting. The accommodating means of handling the absentee voting creates a discussion about mixing politics and legal principles: The permissive access to absentee voting is in the interest of specific social segments and therefore of specific parties (like the Greens) - and against the interest of others (like the FPÖ). This could lead, in the long run, to a conflict of interests, disguised as a conflict of principles. Nevertheless, at the moment it doesn't seem that any significant change will take place.

Belgium

Score 9

Voting is compulsory in Belgium, and all resident Belgian citizens are automatically registered to vote. Non-Belgian residents and Belgian nationals living abroad must register on a voluntary basis.

There are two marginal limitations in terms of the proportion of voters concerned. In some municipalities with "linguistic facilities" around Brussels (i.e., situated in Flanders, but with a significant proportion of French-speaking voters), voters may not receive voting documents in their native language. The situation is usually handled quite pragmatically, but in 2015 this led to the prolongation of a stalemate in one "commune à facilités/faciliteitengemeente" in the Flemish periphery of Brussels. In this municipality of Linkebeek, no arrangement could be found for the (Francophone) mayor to be officially installed by the (Flemish) regional authorities, although he and his list had captured a broad majority of the (largely francophone) vote.

The fact that compulsory voting is not extended to Belgian nationals living abroad means that their degree of representation is potentially lower than that of regular voters.

Czech Republic

Score 9

All adult citizens, including convicted prisoners, can participate in national elections, and voter registration is relatively straightforward. However, while special provisions for a mobile ballot box facilitate voting for the disabled and seriously ill, there is no general ability to vote by mail. Czech citizens residing abroad can vote at Czech embassies and consulates. For them, participation in elections is complicated

by a special deadline for registration and the limited number of embassies and consulates. Unlike in previous elections, no cases of vote-buying were reported in the 2016 regional and Senate elections.

Denmark

Score 9

According to section 31 of the Danish constitution, “The members of the Folketinget shall be elected by general and direct ballot.” More specific rules are laid down in the election act. The election act stipulates that “franchise for the Folketinget is held by every person of Danish nationality, who is above 18 years of age, and permanently resident in the realm, unless such person has been declared legally incompetent.” The rule determining eligibility at 18 years old was introduced in 1978.

The ambiguity in the election act is related to the question of what it means to be “permanently resident in the realm.” The interpretation was previously rather narrow but has been expanded over time. The basic principle is that Danes who move abroad permanently (official change of address) will not be able to vote. However, there are a number of important exceptions, including “persons who are employed by the Danish state and ordered to enter service outside the realm, and spouses cohabiting with such persons, shall be considered to be permanently resident in the realm.” The act also gives persons who have taken up temporary residence in foreign countries (e.g., due to work for a public agency or for education) the right to vote. In its granting of temporary residency, Denmark remains more restrictive than many other OECD countries.

Citation:

Folketinget, Parliamentary Election Act of Denmark, http://www.ft.dk/~media/Pdf_materiale/Pdf_publicationer/English/valgloven_eng_web_samlet%20pdf.ashx (accessed 16 April 2013).
Zahle, Dansk forfatningsret 1.

Estonia

Score 9

The Estonian constitution and relevant laws guarantee universal suffrage. The voting age is 18 for national and European elections, and 16 for municipal elections. About 6% of the population (or 16% of the voting-age population) are non-citizens who cannot vote in parliamentary elections, but have the right to vote in local elections. EU citizens residing in Estonia can vote in municipal and European Parliament elections. Estonian citizens residing abroad (about 10% of the electorate) can vote in all Estonian elections.

The state authorities maintain the voter register based on the population-register data. Eligible voters need to take no action to be included in the voter register. Each

registered voter is informed by post or e-mail about all voting options, including the voting day, the location and opening hours of his/her polling station.

To facilitate participation in elections, Estonia uses advanced-voting, home-voting and Internet-voting systems. In the 2015 parliamentary elections, 30.5% of participating voters voted online.

Ethnic minorities' modest degree of engagement in election processes has been a longstanding issue of concern. However, the situation is gradually improving as more campaign information is available in Russian. The National Electoral Committee (NEC) website, on the other hand, only has election information in the state language (i.e., Estonian).

France

Score 9

The right to participate in elections as a candidate or as a voter is fully guaranteed. There is no evidence of restrictions or obstruction in the application of the law. Every citizen enjoys rights that are provided by the constitution. No progress has been made to extend the right to vote to foreign residents, except in the case of EU citizens. Both former President François Mitterrand and President Hollande committed themselves to granting resident foreigners the right to vote in local elections (after five years of full residence). However, the fierce opposition of the right and the rise of the National Front (FN) have postponed these proposals indefinitely.

Voter registration is easy and, in particular in small local communities, it is quasi-automatic as the local bureaucracy often proceeds with the registration process even without a specific request from the individual. Elsewhere, potential voters have to register. It is usually estimated that some 10% of the electorate is not registered. Some groups are legally excluded from voting: people suffering from serious mental health issues and who are under the care of a caretaker; people excluded after a serious act that would strip their voting rights, such as electoral fraud; and criminals who have been stripped of their civic rights, and thus voting rights.

Israel

Score 9

According to the Israeli basic law "The Knesset" (1958), every Israeli citizen above 18 is eligible to vote in the general elections. This right is guaranteed under the principle of equality. It is only restricted by the requirement to exhibit a valid government identification, which must include the voter's name and picture. If the ID-holder refused to have their photo taken (as is the case among some religious women), the ID will be considered valid if she or he received authorization from the Ministry of the Interior. Article 10 of the basic law states that the day of the national

elections is a national holiday, but that public transportation and public services will remain open, thus giving voters a positive (or, at least, not a negative) incentive to vote. Recently, a bill was presented that would allow voters to choose a polling location different from the one they are registered at, further easing the voting process for citizens.

Up until 1988, the issue of prisoners' right to vote was not much debated. However, after a number of petitions were submitted to the Supreme Court ("Bagatz"), the Knesset revised the law to state that a voting box must be stationed in every prison. Handicapped citizens are also entitled to specially equipped voting stations, simplifying their voting process by using double envelopes. The state is obligated to offer at least one such station in every city council, and at least two in a city council with more than 20 standard voting stations. During the voting process, if the voter struggles with the voting procedure for any reason (such as ill health), he or she has the right to ask for assistance from an escort. Soldiers on active duty are also entitled to vote in special voting stations using double envelopes. Although the mentally ill are usually unable to access voting stations (due to hospitalization or personal constraints), they are not restrained by any specific law.

In contrast to some countries, Israel does not allow citizens that are out of the country (the Israeli-occupied territories excluded) at the time of the election to vote unless they are members of a distinct category eligible by law (e.g., embassy employees stationed abroad). However, every citizen has the right to vote without a minimum period of residency in the country.

Information on the voting procedure is available through special government-funded information centers. These can be accessed by telephone and online. Information on voting is also disseminated by the media. Problems and complaints are dealt with by the central election committee, each branch assigned a particular severity of complaint.

Citation:

"Basic Laws: The Knesset," Knesset official website: www.knesset.gov.il/description/eng/eng-mimshal_yesod1.htm

"The 19th election for the Knesset: Information for the voter Q&A," National election supervisor website (Hebrew)

"Who is allowed to vote?," Israel Democracy Institute website, November 2002 (Hebrew)

Bander, Arik, "The Election Committee Suggests: Voters Could Vote in A Different Address Than Registered", Maariv Online, 22.6.2016, <http://www.maariv.co.il/news/politics/Article-546545>

Italy

Score 9

The registration of citizens for electoral purposes is done automatically by municipal offices and there are no significant problems with this procedure.

All citizens are notified via mail at home of their voting rights and supplied with the relevant information. Citizens are entitled to appeal to independent judicial bodies if they are mistakenly excluded from registration. Citizens living abroad are also entitled to vote. There are no significant complaints about the process.

Polling stations are very numerous and typically very near to places of residence. National and regional elections normally take place on two consecutive days, which increases the opportunities for working people to vote. Turnout has diminished significantly in recent years but is still among the highest in Europe. The lack of an absentee voting system makes voting more difficult for citizens residing abroad or in other regions of Italy.

Lithuania

Score 9

All citizens who are over the age of 18 on election day are eligible to vote. Although citizens living abroad may vote if they preregister, only 11% of the Lithuanian citizens who have declared themselves to be living abroad registered to vote in the 2012 parliamentary elections. A number of proposals for the introduction of Internet-based voting have been rejected by the Parliament, although this issue is likely to reappear on the political agenda. Votes can be cast in person on election day, but provisions are also made for early voting, out-of-country voting, voting in special institutions, and voting for those who are homebound. There are no specific disincentives to voting, although the absence of Internet voting capabilities may limit participation rates for citizens living abroad, as overseas voting must be done in person in diplomatic missions that are usually located in the capitals or other major cities of foreign countries. Unlike in the first round of the autumn 2012 parliamentary elections, when a vote-buying scandal led to the cancellation of results and a second ballot in two races, no such major cases of suspected vote buying came to light during the 2014 presidential elections. However, after the 2016 parliamentary elections, alleged cases of vote-buying in rural electoral districts became public, leading to police investigations and the removal of one elected member of parliament from the party list.

Citation:

OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/98586>.

OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, <http://www.osce.org/odihr/elections/116359?download=true>.

Portugal

Score 9

All adult citizens are guaranteed the right to participate in national elections. The government also provides transportation to those requiring it. Citizens in hospitals and in jails are also able to vote, with assistance provided as necessary, and provision is made for Portuguese citizens living abroad to cast their ballots. There is no observable discrimination.

Problems with substantial inflation of the electoral register remain, generating a problem of technical abstention. Estimates after the 2015 legislative elections

pointed to a gap of about 780,000 between the register and actual number of voters. As noted in the report before last, this difference reflects the current emigration pattern and the failure of Portuguese emigrants registered to vote in Portugal to transfer their electoral registration to their overseas residence. As Portuguese voters can only vote in the administrative parish (or, if abroad, in the country) in which they are formally registered, this means that a substantial proportion of Portuguese emigrants are unable to exercise their voting rights. For instance, in the 2015 legislative elections, there were a total of 9,457 registered Portuguese voters in Switzerland, a minute fraction of the estimated 262,748 Portuguese citizens resident in Switzerland in 2014.

At the same time, it must be noted that this discrepancy is not due to legal barriers to registration. Both within and without Portugal, electoral registration is a simple and non-exclusionary process.

Citation:

Pedro Crisóstomo & Maria Lopes (2015), "Emigrantes registados nos cadernos eleitorais distorcem números da abstenção," Público online (11/10/2015), available online at: <http://www.publico.pt/politica/noticia/emigrantes-registados-nos-cadernos-eleitorais-distorcem-numeros-da-abstencao-1710762?page=-1>

Slovakia

Score 9

The electoral process is largely inclusive. In principle, all adult citizens can participate in elections. There is a special electoral register for Slovak citizens without permanent residence in the country (i.e., homeless people). Since November 2009, only prisoners who have been sentenced for "particularly serious crimes" have been disenfranchised. Voters that will not be in their place of residence on election day can ask for a special voter's pass that enables voting elsewhere. The new election law passed in 2015 has united regulations for all types of elections in Slovakia, thereby removing the discrimination of citizens residing or staying abroad at the time of presidential elections. Unlike in the past, they can now vote by mail in both parliamentary and presidential elections.

South Korea

Score 9

All adult citizens 19 years old or over are eligible to vote and voter registration is fair and effective. Citizens can appeal to the National Election Commission and the courts if they feel they have been discriminated against. National elections are national holidays, ensuring that all citizens are able to vote. Citizens who are currently serving prison time, have violated election laws or committed specified crimes while holding a public office are excluded from this right. Since 2009, overseas citizens aged 19 or older have been able to vote in presidential elections and in National Assembly general elections. Overseas citizens are defined as Korean

citizens resident in foreign countries in which they are permanent residents or short-term visitors.

In 2014, the Constitutional Court of Korea mandated that electoral districts of considerably different size must be redrawn. According to the court's ruling, the differences in electoral districts' populations should not exceed a ratio of 2:1. In February 2016, the ruling and opposition parties agreed to redraw the constituency map so as to include 253 single-member constituencies, an increase from the previous 246 out of the 300 National Assembly seats.

Two other major proposals were still pending as of the close of the review period: One would reduce the voting age from 19 to 18, while the other would extend the close of voting hours from 6:00 p.m. to 8:00 p.m. on election days. These two changes are intended to increase participation in national elections.

Citation:

National Election Commission, Right to Vote and Eligibility for Election, [http://www.nec.go.kr/nec_2009/english/National Election Commission, NEWS No.7](http://www.nec.go.kr/nec_2009/english/National%20Election%20Commission,%20NEWS%20No.7)

"Rival parties agree to new map," Korea Joong Ang Daily, 24 February 2016.
<http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3015438>

Spain

Score 9

Every Spanish citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or simple incapacity to attend the polling station on the day of election. The turnout rate has on average been somewhat more than 70% since 1977, though the last election (26 June 2016) had a turnout rate of 66.5%. The only two notable problems are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections, and naturalization is not easy even for foreign residents of long standing. However, this restriction is common to all advanced democracies. Moreover, EU citizens can already vote in local and European Parliament elections, and even non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote. Regarding Spanish emigration, citizens living overseas may face onerous red tape that discourages participation in elections, as well as occasional technical failures in the administrative work of consular departments. Although 90% of the some 2 million Spaniards abroad are registered in the CERA (the electoral census of emigrants), a legal change passed in 2011 (Ley Orgánica 2/2011) with the declared aim of preventing fraud has limited their right to vote. As a result, turnout rates among Spanish expatriates are now extremely low (under 5%), and parties have discussed reopening the 2011 reform. Some emigrants' associations claim these

restrictions were politically motivated under a government that fears a surge in protest votes among young emigrants who have left the country in search of a job.

Citation:

Junio 2016, El Confidencial: “El “horror” del voto rogado, contado en primera persona”

http://www.elconfidencial.com/elecciones-generales/2016-06-26/voto-rogado-extranjero-testimonios-elecciones-generales-26j_1223232/

United Kingdom

Score 9

In general elections, British, Irish and qualifying citizens of Commonwealth countries can vote. In local and devolved parliament/assembly elections, EU citizens resident in the UK can also vote. Entitlement to vote thus extends beyond British citizenship. However, the aforementioned nationalities can vote only if they have leave to remain in the UK.

In order to be entitled to vote, voters must be on the electoral register, which is maintained by local authorities and updated annually. The Electoral Registration and Administration Act 2013 also introduced individual electoral registration, which is intended to improve the security of the registration process. Registration statistics show regional and social discrepancies. There has been some concern that in certain localities where a significant proportion of the population do not speak English as a first language the registration process has been abused. Sporadic complaints are made about excessive (and possibly manipulated) use of postal votes.

A restriction on the right to vote in national elections applies only in three cases, namely criminal imprisonment, mental disability, and membership either of the House of Lords or the royal family.

Canada

Score 8

All Canadian citizens 18 years and over have the right to vote, including the mentally deficient and persons who are imprisoned in a correctional facility. The only exceptions are election officers and, following a 2015 Ontario Court of Appeal ruling, non-resident citizens who reside abroad for more than five years. Canada has a system of universal voter registration; the government is in charge of registering its citizens to vote as a means of protecting their constitutional right (this stands in contrast with the United States’ system of citizen-initiated opt-in registration). Additionally, Canada allows for election-day registration for those who the universal registration system missed. Procedures for voting are not onerous. Adequate opportunity for casting an advance ballot is provided. Persons can vote by mail if they cannot come to a polling station due to physical incapacity or residency outside the country.

The passage of the Fair Elections Act in 2014 marked significant changes in Canada's election law. The bill introduced the Voter Contact Registry, imposed prison time for impersonating elections officials, and "increased penalties for deceiving people out of their votes." According to the chief electoral officer's own testimony to the House of Commons Standing Committee on Procedure and House Affairs, however, the bill contains other measures that "undermine its stated purpose." One particularly controversial provision is the elimination of the use of vouching and Voter Information Cards as a form of ID. In addition, Elections Canada will no longer be able to run advertising campaigns encouraging people to vote.

The current Liberal government's electoral platform contained a pledge to repeal the most contentious clauses of the Fair Elections Act, restoring the Voter Information Cards as an acceptable form of identification and increasing penalties for breaking election laws. The government also plans to allow Canadians living abroad to vote in federal elections using their last residence in Canada, no matter the duration of their stay outside the country. After a year in office, the Liberals have yet to act on this pledge.

Citation:

Parliament of Canada, Bill C-23: An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, posted at <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6684613>.

Chile

Score 8

Law No. 20,568, enacted in January 2012, and Law No. 20,669, enacted in April 2013, changed the voter registration system, eliminating the voluntary registration and compulsory voting system and replacing it with automatic registration and a voluntary right to vote for citizens older than 18. This reform promoted the participation of younger and especially first-time voters in the 2013 presidential elections. This law also introduced assisted voting for citizens with disabilities. Since April 2014, Chileans living abroad have been automatically registered to vote if they are registered correctly with the register office. These individuals are now in theory allowed to participate in presidential elections, presidential primaries and national plebiscites (which are not explicitly provided for by the constitution), but not in parliamentary or municipal elections. However, only the electoral-roll inscription is carried out automatically today. As of the time of writing, the Chilean Congress had not yet approved procedures enabling expatriates to actually participate in national elections from abroad. However, implementation of this law is expected by the time of the 2017 presidential elections.

Individuals who have been charged with a felony and sentenced to prison for more than three years and one day, as well as people classified as terrorists, lose their

suffrage rights. Prisoners who have not been charged but remain on remand also lose their right to vote. Nevertheless, Law No. 20,568 eliminated penalties previously dealt to registered voters who did not vote and failed to have an explicit and officially approved excuse for not doing so. The fact that the act of voting is now completely voluntary is questioned by some politicians and intellectuals who argue that voting not only represents a civil right but also a civil duty. Fears were raised by academics that the transition to voluntary voting would be accompanied by a bias toward middle- and upper-class voters, since lower-class and marginalized voters would disproportionately stay home. These fears ultimately turned out to be unjustified, as balloting has demonstrated no significant bias with regard to socioeconomic status in comparison to previous elections. However, voter-turnout rates have been low.

Citation:

<http://www.bcn.cl/leyfacil/recurso/voto-de-chilenos-en-el-extranjero>

<http://www.biobiochile.cl/2014/04/30/presidenta-bachelet-promulga-ley-de-voto-chileno-en-el-extranjero.shtml>

Croatia

Score 8

All citizens of voting age are entitled to participate in elections, and legislation on this issue is strongly inclusive. For example, prisoners are eligible to vote, and persons without legal capacity were allowed to participate for the first time in the April 2013 European Parliament elections. Before these 2013 elections, the highly outdated voting register was thoroughly cleaned. However, a controversial 2015 amendment to the Law on the Register of Voters limited the automatic registration of voters to those with a valid ID. A provision enabling Croatian citizens without permanent residence in Croatia to take part in national elections if they register in advance remains controversial.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Republic of Croatia: Parliamentary Elections 8 November 2015. Warsaw, 7-8 (<http://www.osce.org/odihr/elections/croatia/223631?download=true>).

Cyprus

Score 8

Voting is mandatory and amendments to the law on voting registration were aimed at facilitating participation. No means of e-voting or proxy voting exist. The second amendment of the constitution (1996) lowered the voting age from 21 to 18. Special arrangements enable various groups such as prisoners and others to exercise their rights. In some cases, the enrollment of displaced voters in polling stations at some distance from their actual residence seems to favor abstention. Overseas voting has been possible since 2011 in a limited number of cities in Europe and the United States. Extension of voting rights in European parliamentary elections to all Turkish Cypriots since 2014 may need additional measures in order to encourage participation.

Voter registration by young citizens has been very low in the 2000s, and electoral-participation rates have declined sharply since 2009. Sanctions for unjustified abstention provided by law (not applicable in EP elections) are no longer enforced.

Prior to the 2013 and 2016 elections, the OSCE reported that no significant concerns called for special oversight.

Citation:

1. Law on the second amendment of the constitution, L.106(I)/1996, available at http://cylaw.com/nomoi/enop/non-ind/1996_1_106/full.html.
2. Turkish Cypriots and Right to vote, <http://cyprus-mail.com/2014/05/27/turkish-cypriots-will-resort-to-court-over-voting-foul-up>.
3. OSCE/ODIHR Cyprus, Presidential Election, 17 February 2013: Needs Assessment Mission Report, 16 January 2013, available at, <http://www.osce.org/odihr/elections/98755>.

Ireland

Score 8

There have been no changes in voting and registration rules in recent years. All Irish citizens aged 18 and over are entitled to be registered to vote in all elections and referendums. British citizens may vote at dáil, European, and local elections; other EU citizens may vote at European and local elections; non-EU citizens may vote at local elections only.

There is no population register in Ireland on which voter registration might be based. Instead, an electoral register is compiled by local authorities. To register to vote, a person must ordinarily be a resident at the address recorded in the electoral register by 1 September, when the register comes into force. There is limited provision for postal voting. While there is no evidence of systematic discrimination or disenfranchisement of any social groups in the compilation of the electoral register, inconsistencies in the register have been repeatedly exposed, displaying a lack of investment in the electoral process and even a lack of concern for its integrity.

The constitutional convention recommended lowering the voting age from 18 to 16 and the government promised to hold a referendum on this proposal. However, it announced early in 2015 that it no longer planned to hold this referendum during the life of the present parliament.

In January 2015, the government committed to establishing an independent electoral commission during its term of office, but admitted that this commission would not be ready to function in time for the mid-2016 general election. It is hoped that it will be operational by the time of the local and European elections in 2019.

Citation:

Preliminary study on the establishment of an electoral commission in Ireland, submitted to the Department of the Environment, Heritage and Local Government
by: Richard Sinnott, John Coakley, John O'Dowd, James McBride,
Geary Institute University College Dublin
November 2008

Programme for National Recovery 2011-2016, March 2011

Convention on the Constitution: www.constitution.ie

<http://www.irishtimes.com/news/politics/reduction-of-voting-age-from-18-to-16-to-be-put-to-referendum-1.1458229>

David Farrell (2015), 'Conclusion and Reflection: Time for an Electoral Commission for Ireland', *Irish Political Studies* 30:4, 641-646.

Japan

Score 8

The Japanese constitution grants universal adult suffrage to all Japanese citizens. No fundamental problems with discrimination or the exercise of this right exist. Since 2006, Japanese citizens living abroad have also been able to participate in elections.

The National Referendum Law was revised in 2014 to lower the minimum age for voting on constitutional amendments from 20 to 18, taking effect in 2018. In June 2015, the general voting age was also lowered from 20 to 18. This change arguably benefits the ruling LDP as the party's approval rate among younger Japanese tends to be higher than among the populace at large.

One long-standing and controversial issue concerns the relative size of electoral districts. Rural districts still contain far fewer voters than more heavily populated urban areas. In late 2015, the Supreme Court ruled that the 2014 general election – with a maximum disparity of 2.13 to 1 in the value of votes – took place in a “state of unconstitutionality,” one step short of outright unconstitutionality. The court thus did not invalidate the election, despite its criticism.

Vote disparities have been more pronounced in the case of the Upper House. In July 2015, parliament rezoned electoral districts to lower the maximum disparity to 2.97:1. Many observers even within the ruling coalition considered the changes to be too feeble, charging that the changes served the vested interests of the LDP.

A new 2016 law allows for voting in shopping malls and similar places in order to raise election participation. For similar reasons, electoral registration procedures have been somewhat eased.

Citation:

Mizuho Aoki, House of Representatives passes bill to lower voting age, 4 June 2015, <http://www.japantimes.co.jp/news/2015/06/04/national/politics-diplomacy/house-representatives-passes-bill-lower-voting-age/#.VjoaJiuNzfc>

Fukuko Takahashi, Diet passes seat-redistribution for Upper House elections, *Asahi Shimbun Asia & Japan Watch*, 29 July 2015, http://ajw.asahi.com/article/behind_news/politics/AJ201507290044

Tomohiro Osaki, Supreme Court says December election ‘in state of unconstitutionality,’ but won’t nullify results, 25 November 2015, <http://www.japantimes.co.jp/news/2015/11/25/national/crime-legal/supreme-court-says-december-election-state-unconstitutionality-wont-nullify-results/>

Latvia

Score 8

All adult citizens over 18 years of age have voting rights in national elections. EU citizens can vote in local and European elections, and all have access to an effective, impartial and non-discriminatory procedure for voting. Procedures are in place for ensuring that incarcerated persons are able to cast ballots. Non-resident citizens have voting access via polling stations in Latvian diplomatic entities abroad as well as through an absentee-ballot postal procedure.

Latvia has a significant population of non-citizens (approximately 12% of the total population) who cannot participate in any elections.

Voting procedures for non-resident citizens can in practice present obstacles. For example, the number of Latvian diplomatic representations is limited, which can mean that non-resident citizens have to travel long distances, at significant expense, to vote. Furthermore, to vote by post non-resident citizens are required to submit their passport, which can be held for three weeks.

Election observers in the 2014 parliamentary elections found no major faults with voting rights and access.

At the local-government level, voting rights and procedures are similar. Voters may vote in local-government elections on the basis of their residence or according to property ownership. Voters have designated polling stations, but can switch to a more convenient polling station if desired. For individuals unable to be present at polling stations on election day, polling stations are open for early voting in the days prior to the election. Currently, no provision is made for non-resident citizen participation in local-government elections.

1. Central Election Commission, Instructions on Postal Voting Procedure, Available at (in Latvian): <http://web.cvk.lv/pub/public/30058.html>, Last assessed: 20.05.2013

2. Report on Parliamentary Elections in Latvia, 2014, Available at: <http://www.osce.org/odihr/elections/latvia/132416>, Last assessed: 16.11.2015

Luxembourg

Score 8

Voting is compulsory in Luxembourg for those listed on the electoral register. To vote, one is required to be a national of Luxembourg, be at least 18 years old on the day of election and have full civil and political rights. Citizens living temporarily abroad may vote by post and citizens over the age of 75 are exempted from casting their vote. There are no perceptible forms of discrimination within the voting process. The Luxembourgish government sought to encourage political participation among young people by lowering the voting age to 16 years, but this proposal was rejected (by a substantial majority of 80.87%) in the consultative referendum of June 2015.

Experts have constantly criticized the representative makeup of parliament as insufficient, since it does not include migrants and cross-border commuters who constitute 80% of the labor force in the private sector and who are the main driving force of the national economy. Around 47% of the resident population may not vote in national elections as they are not Luxembourg nationals. Though 90% are EU citizens, and may vote in European elections and municipal elections. All foreigners, EU citizens as well as citizens from third countries, have the right to participate in local elections, provided they fulfill certain residency requirements and are registered on the electoral list. Conditions for inscription have been eased over the years. However, non-nationals' interest in political participation at the local level remains low.

Citation:

“Kein Weg führt nach Rom.” Luxemburger Wort, 14 Apr. 2015, www.wort.lu/de/politik/politische-teilhabe-von-auslaendern-kein-weg-fuehrt-nach-rom-552ce01c0c88b46a8ce575b1. Accessed 21 Feb. 2017.

“Le gouvernement du Grand-Duché du Luxembourg prend acte des résultats du référendum sur des questions constitutionnelles.” Le portail de l'actualité gouvernementale, 7 June 2015, www.gouvernement.lu/4925351/07-ref. Accessed 21 Feb. 2017.

“Participation des étrangers aux élections communales d'octobre 2011.” Le portail des statistiques du Luxembourg, 7 May 2013, www.statistiques.public.lu/fr/actualites/conditions-sociales/politique/2013/05/20130130/. Accessed 21 Feb. 2017.

“Principes élections européennes.” Le site officiel des élections au Grand-Duché de Luxembourg, 30 Mar. 2015, www.elections.public.lu/fr/systeme-electoral/europeennes-mode-emploi/principes/. Accessed 21 Feb. 2017.

“Résultats officiels.” Le site officiel des élections au Grand-Duché de Luxembourg, elections.public.lu/fr/referendum/2015/resultats/index.html. Accessed 21 Feb. 2017.

“Système électoral.” Le portail de l'actualité gouvernementale, 10 Sept. 2014, www.gouvernement.lu/1719337/systeme-electoral. Accessed 21 Feb. 2017.

Turkey

Score 8

All Turkish nationals over the age of 18 can exercise the right to vote (Constitution, Article 67). The Supreme Election Board is the sole authority in the administration of Turkish elections (Law 298, Article 10). The General Directorate of the Electoral Registry, a part of the Supreme Election Board, prepares, maintains and renews the nationwide electoral registry.

Armed-services privates and corporals in active duty, military-school students, and currently imprisoned convicts cannot vote. The Supreme Election Board determines measures to be taken to ensure the safety of the vote-counting process.

In 2008, the parliament passed a law facilitating voting for Turkish citizens who are not living or present in Turkey during elections (Law 5749). In the 2015 parliamentary elections, about 54 million voters were registered domestically, along with an additional 2.8 million voters living abroad. More than 1 million voters cast their votes abroad. The distance of polling stations from residents' homes and the

comparatively short voting period can be considered as potentially major obstacles to voting.

Turkey has a passive electoral registration system maintained by the Supreme Election Board. Despite the recent revision of the national electoral registry based on an address-registration system, critics have noted that the number of registered voters and the number of eligible citizens registered in the address system do not match. In autumn 2015, these critics argued that about 672,000 citizens are missing from the electoral rolls. However, OSCE reports have judged the registration process to be reliable and inclusive.

Parliamentary and local elections are conducted by local election boards under the supervision of the Supreme Election Board. These local boards verify election returns and conduct investigations of irregularities, complaints and objections, with the national board providing a final check. Vote and Beyond (Oy ve Ötesi), a non-governmental organization, reported no significant violations of the law at the polling stations in 2015.

Disabled voters sometimes face difficulties if the polling stations lack appropriate access facilities.

Citation:

OSCE/ODIHR (2015b) Republic of Turkey Early Parliamentary Elections, 1 November 2015. OSCE/ODIHR Limited Election Observation Mission Final Report, <http://www.osce.org/odihr/elections/turkey/219201?download=true>

OSCE/ODIHR (2015a) Republic of Turkey Parliamentary Elections, 7 June 2015 Limited Election Observation Mission

Final Report, <http://www.osce.org/odihr/elections/turkey/177926?download=true>.

Temiz Seçim Platformu, 2007-2015 Seçim Hileleri Raporu, 1 Mayıs 2015, TÜİK ile YSK'nın Türkiye Listelerinin Karşılaştırılması, temizsecim.org/2007-2014-secim-hileleri-raporu.html (accessed 27 October 2015)

'672 bin seçmen buharlaştı (672 thousand voters evaporated)', Cumhuriyet daily newspaper, 3 October 2015, http://www.cumhuriyet.com.tr/haber/turkiye/380955/672_bin_secmen_buharlasti.html (accessed 27 October 2015)

Bulgaria

Score 7

Bulgarian voters are registered by default through voter lists maintained by the municipalities. Voter lists are published in advance of election day, and voters can also check their presence on the lists online. Every person who is not included in the voter list at their place of residence can ask to be included, and if not included can appeal to the courts. Bulgarian citizens residing abroad have the right to vote in parliamentary and presidential elections, as well as in national referendums. They can do this at the various consular services of Bulgaria, or if they establish a polling station themselves in accordance with procedures specified in the election code.

A small constraint regarding voting rights comes from the disenfranchisement of the prison population. Contrary to the European Convention on Human Rights, people serving prison sentences are not allowed to vote. A second issue has been the limitation of absentee voting. While citizens who want to vote outside of their

permanent place of residence can obtain a special permit from their municipality, no general postal vote exists. A national referendum in October 2015, in which the proposal to introduce distance electronic voting received overwhelming support, did not have sufficient turnout to make the provision directly applicable, but the turnout was sufficient to oblige parliament to decide on the issue in 2016. While parliament refrained from enshrining remote electronic voting in the electoral code, it paved the way for experimenting with a remote e-voting system for the next parliamentary elections.

Changes in the electoral code adopted in April 2016 introduced two major novelties. First, voting was made compulsory, even though the penalty for not voting is relatively weak – it involves being taken off the electoral list after failing to vote in three consecutive elections, though a simple written request can have one's name be placed on the list again. Second, the number of voting sections which can be opened in a foreign country was limited to 35, which may create problems for some Bulgarians abroad, especially those in larger countries where Bulgarian citizens are more numerous and spread-out, such as Turkey, Germany or the UK. Following the ombudsman's complaint, the limit was lifted, but only for EU countries in October 2016.

Malta

Score 7

Malta's electoral laws are for the most part effective and impartial, and are controlled by a constitutionally-constituted designated Electoral Commission. While there is no legal obligation to vote, turnout at general elections is high at over 90%. Maltese law states that any individual sentenced to a minimum prison term of one year cannot vote in elections. As well, persons convicted of a crime, regardless of the length of prison term, are forbidden from holding civil or public office. Residency qualifications also create obstacles to voting: citizens who are away from Malta for six consecutive months during an 18-month period may forfeit their right to vote if this right is successfully challenged in court. Citizens who are abroad but are legally qualified to vote face other obstacles, as Malta does not have a system of postal or electronic voting. To vote, the citizen must return to Malta, and state-subsidized airfare from some countries is made available; also, a citizen may make arrangements to vote prior to traveling. Amendments to the Electoral Law 2012 have strengthened the voting rights of some citizens, primarily those who celebrate their 18th birthday after the publication of the electoral register. At the local level, the vote has now been extended to 16 year olds. Other changes have helped patients to cast their votes during a hospital stay. Residents who are not citizens may not vote in national elections, yet in line with EU law, they may participate in local or European Parliament elections, though there have been registration problems. Immigrants and refugees, however, do not enjoy the right to vote.

Citation:

<http://www.timesofmalta.com/article/view/20130115/elections-news/ad-on-voting-rights-for-maltese-abroad-party-financing.453281>

<http://www.timesofmalta.com/articles/view/20130220/local/Should-prisoners-in-Malta-be-allowed-election-vote-.458430>
Should Migrants have the Right to Vote? Times of Malta 23/06/14

Mexico

Score 7

At the national level, Mexico by and large conforms to the standards of electoral democracies. The organization and administration of elections is in the hands of the National Electoral Institute (INE), an autonomous and professional agency. There is also a system of electoral courts, which are generally more professional and independent than the criminal courts. Citizens and party members can appeal to these courts if their political or electoral rights are violated. In recent years, INE oversight over state-level electoral institutions has increased.

The same electoral register is used for federal and state/local elections. The voter identification card is Mexico's de facto national ID. Contrary to many other OECD countries, citizens are not registered to vote automatically, instead they must take the initiative to register. This may serve to discourage marginalized and less educated citizens from voting.

Even though Mexicans living abroad (about 10% of the population) are now allowed to vote, turnout has been low, in part due to the difficult registration process. INE has invested in making the registration process for Mexicans abroad easier by partnering with consulates and embassies.

Romania

Score 6

Citizens aged 18 years or older on election day are eligible to vote, unless disenfranchised by a final court decision for reasons of legal incapacity or as part of a judicial sentence. There is a central voter register based on a compilation of information from various government authorities. To minimize voter fraud, which has been a major issue in the past, Teamnet was awarded a RON 31 million contract to provide high-tech voting equipment to monitor whether voters have their voting rights in good standing and cast only one ballot. Despite these measures, trust in the voting system remains low.

The fact that thousands of Romanians abroad were unable to cast their votes in the 2014 presidential elections prompted the introduction of a postal vote for diaspora voters in November 2015. However, less than 10,000 out of more than 600,000 Romanians abroad participated in the 2016 parliamentary elections. Information was weak, voters had to register with the Permanent Electoral Authority before the vote and the authorities asked for proof of residence before registration, which deterred many Romanians who feared that Romania's Tax Authority would use that information to trigger an investigation against them.

United States

Score 6 Voter registration is subject to regulation by the federal government, but it is administered by the states. Most discriminatory practices have been eliminated through federal regulation and enforcement over the last 50 years. Convicted felons are ineligible to vote in many states; non-citizen residents are not permitted to vote, although permanent residents are encouraged to become citizens.

Between 2011 and 2016, Republican-controlled legislatures in over half of the states have enacted or considered measures that have made it harder for some groups to vote – mostly by upgrading the identification requirements for voter registration or by reducing opportunities for mail-in and early voting. Federal courts have struck down or delayed implementation of several state measures, but also have declined to delay others. In 2013, the U.S. Supreme Court struck down a 2006 congressional 25-year extension of the section of the Voting Rights Act that required specified states or counties with a history of discrimination to pre-clear changes in voting laws with the U.S. Justice Department. The Justice Department can still challenge discriminatory practices in court, but cannot prevent their initial adoption. During 2015 and 2016, registration procedures have been highly controversial, with bills to restrict registration or (less often) to facilitate it under consideration in many states. Some Republican-controlled states reduced the number of polling places, resulting in several-hour waits in minority and low-income areas. Long lines clearly reduced the Latino and African-American vote in certain areas in the 2016 elections.

Hungary

Score 3 As in the case of the 2014 parliamentary elections, registration and voting procedures for the anti-refugee referendum in October 2016 were heavily tilted in favor of the governing Fidesz party. The single most important problem has been the unequal treatment of three groups of eligible voters: (i) Hungarians living in Hungary, (ii) Hungarians with dual citizenship in neighboring countries and (iii) Hungarian citizens working abroad. The first group could vote without registration, the others had to register beforehand through a complicated procedure with a high percentage of failure. Hungarians living abroad and in possession of dual citizenship – which usually demonstrate a strong political affinity for Fidesz – could vote by mail. However, Hungarian citizens working abroad could vote only at diplomatic missions. In the case of the referendum, however, the biased procedures, which gave a big advantage to Fidesz in the 2014 elections, backfired, as the referendum was invalid partly due to the registration complications and difficult access to the voting places.

Indicator

Party Financing

Question

To what extent is private and public party financing and electoral campaign financing transparent, effectively monitored and in case of infringement of rules subject to proportionate and dissuasive sanction?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The state enforces that donations to political parties are made public and provides for independent monitoring to that respect. Effective measures to prevent evasion are effectively in place and infringements subject to effective, proportionate and dissuasive sanctions.
- 8-6 = The state enforces that donations to political parties are made public and provides for independent monitoring. Although infringements are subject to proportionate sanctions, some, although few, loopholes and options for circumvention still exist.
- 5-3 = The state provides that donations to political parties shall be published. Party financing is subject to some degree of independent monitoring but monitoring either proves regularly ineffective or proportionate sanctions in case of infringement do not follow.
- 2-1 = The rules for party and campaign financing do not effectively enforce the obligation to make the donations public. Party and campaign financing is neither monitored independently nor, in case of infringements, subject to proportionate sanctions.

Belgium

Score 10

All political parties represented in parliament are largely financed by the state, based on the number of votes cast and the number of parliamentary seats, and private contributions are limited. Electoral campaigns at all levels are subject to tight regulations on allowed spending, both in terms of amount and item. After each election, all advertising and campaign spending and contributions are scrutinized in detail by a special parliamentary committee, with limited partisan bias. Candidates who infringe the rules may, for instance, lose the right to be elected, even though such instances are rare. In most cases, a range of more modest (financial) sanctions are implemented, typically seeing the candidate forced to repay non-eligible expenses or overspending.

Tight financial control over the party accounts is also exerted during non-electoral periods, again by a special largely nonpartisan parliamentary committee. In 2015, two parties received modest sanctions following some remarks on their accounting techniques. This was quite hotly debated and framed in terms of majority/opposition tensions, but can generally be seen as an indication that the system of checks and balances functions quite well.

Australia

Score 9

All candidates in state and federal elections are entitled to public funding, subject to obtaining at least 4% of the first preference vote. The amount to be paid is calculated by multiplying the number of votes obtained by the election-funding rate for that year. The funding rate is indexed every six months to increases in the Consumer Price Index; for the 2013 election, it was 248.8 cents per eligible vote in both houses of Parliament (House of Representatives and senate). The total election funding paid in the 2013 federal election was 56.4 million AUD. The Australian Electoral Commission (AEC) administers the distribution of funding and provides full public accounts of payments made.

For private funding, there are no limits on the value of donations, and while there are disclosure rules, they are not comprehensive and vary considerably across state governments. At the federal level, for example, candidates endorsed by a registered political party may roll their reporting of donations received into their annual party return, which, in the case of the September 2013 federal election, is not due for release until February 2015. The AEC does, however, rigorously monitor and enforce the disclosure requirements in place.

Private funding has been an area of considerable public discussion in recent years, particularly in relation to disclosure requirements. A parliamentary committee inquiry into election finance reform options produced a report in December 2011, but, as yet, no changes have been legislated.

Several of the state and territory governments have in recent years legislated to improve disclosure requirements for private funding and in some cases limit donations, while other states, such as Victoria, introduced a non-binding “Code of Conduct” in October 2011.

In 2016, the potential “skewing” of the political system due to donations from companies linked to China was publicly debated, although it is unlikely that this constitutes a significant problem.

Citation:

Joint Standing Committee on Electoral Matters, Inquiry into the funding of political parties and election campaigns, December 2011: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=em/political%20funding/index.htm
 Brenton Holmes ‘Political financing: regimes and reforms in Australian states and territories’, Parliamentary Library, 19 March 2012: http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/PoliticalFinancing
<http://www.loc.gov/law/help/campaign-finance/australia.php>
http://www.aec.gov.au/About_AEC/Publications/Reports_On_Federal_Electoral_Events/2010/disclosure.htm#thresholds
http://www.aec.gov.au/About_AEC/Publications/Reports_On_Federal_Electoral_Events/2010/fad-report.pdf
<http://www.abc.net.au/news/2016-08-22/foreign-donations-could-skew-australias-democracy-politicians/7775060>

Estonia

Score 9 Financing of political parties is regulated by the Act on Political Parties (APP). All parties have to keep proper books and accounts, specify the nature and value of donations and membership fees, and publish their financial records regularly on their party's website. An independent body, the Political Party Financing Supervision Committee (PPFSC), monitors whether parties have properly declared all financial resources and expenditures; the committee can also impose sanctions when parties have violated the law.

The regulatory and investigative powers of the PPFSC have been expanded several times through amendments to the APP. Despite significant progress some loopholes in financing regulations still exist. One of the major concerns is that PPFSC's access to the information necessary to deal efficiently with financial fraud remain limited. To tackle the problem, PPFSC regularly proposes amendments to the APP. The latest one under consideration in the parliamentary committee proposes that third parties associated with donations and services to political parties must provide relevant documents to PPFSC upon request.

Finland

Score 9 New campaign-finance legislation was implemented between 2008 and 2009, in the wake of political financing scandals. This legislation requires politicians to disclose funding sources, and has provided for independent and efficient monitoring. There are now bans on donations from foreign interests, corporations holding government contracts and anonymous donors. There are limits on the amount a donor can contribute over a time period or during an election. Candidates have to report on the sources of their campaign funds, and these reports are made public and filed with ministries and auditing agencies. Financing scandals involving parties and candidates continue to attract media coverage, and studies indicate that parties are likely to lose electoral support if they are involved in finance scandals. As a result of the new rules, the quality of party financing has improved, and polls indicate that public opinion of politicians' credibility has somewhat improved.

Citation:

<http://www.idea.int/parties/finance>

Demokratiapuntari 2012: Yhteenveto. Ministry of Justice/MTV3/tnsGallup, 02/2012.

Mattila, Mikko & Sundberg, Jan 2012: Vaalirahoitus ja vaalirahakohu. In: Borg, Sami (ed.): Muutosvaalit 2011. Oikeusministeriön selvityksiä ja ohjeita 16/2012. Oikeusministeriö (Ministry of Justice), 227–238.

Israel

Score 9 Israel has strict rules concerning party financing and electoral campaigns. The most important are the Parties Law (1992) and the Party Financing Law (1992). The two laws require all parties to document their finances and report them to the state

comptroller. These laws also stipulate the means by which parties can receive income. No party is allowed to earn income from outside the following:

- (1) Party membership dues and fundraising appeals among members, within limits established in the Party Financing Law;
- (2) Public funds received in accordance with the Party Financing Law;
- (3) Private contributions received in accordance with the Party Financing Law.
- (4) Funds received for the purpose of elections in the New Histadrut trade union association, as approved by the New Histadrut.
- (5) Funds obtained from party activities, directly or by means of party associations, involving the management of party property and funds under article 21 of the law.

Furthermore, in order to ensure the observance of these two laws in the regulation of party financing, all of the financial activities during the election period are subject to the supervision and monitoring of the state comptroller, who issues instructions that have the status of subsidiary legislation. The state comptroller publishes regular reports on the parties' finances, and is in charge of determining whether there has been a breach of the law. Moreover, it is the state comptroller who can rule that a party must return funds to the state because of discrepancies in the receipt of private contributions.

In the state comptroller's report reviewing the 2015 election campaign, it was revealed that several parties were fined for violating the Party Financing Law. This includes a NIS 1.8 million fine of the "Bait Hayeudy" party and NIS 850 thousand fine of the Likud party. Several other parties' funding activities were also deemed unlawful. A controversial bill being debated in the Knesset, sponsored by MK Yoav Kish (Likud), would limit NGO funding of political campaigns. The bill has been called the "V15 Law" after the NGO that waged an extensive electoral campaign against PM Benjamin Netanyahu in 2015. The bill includes a long list of restrictions on nonprofits, and, fueled by the state comptroller's report, several members of the Likud party have endorsed this measure.

Citation:

Hattis Rolef, Susan, Ben Meir, Liat and Zwebner, Sarah, "Party financing and elections financing in Israel, Knesset Research Institute, 21.7.2003 (Hebrew).

Drukman, Yaron, "The State Comptroller Report: High Fines to the "Bait Hayeudy", the Likud, and Hadash", Ynet, 18.10.2016, <http://www.ynet.co.il/articles/0,7340,L-4867070,00.html>

Shalev, Tal, "Following the State Comptroller's Report: the Likud is decisive in advancing the V15 Law", Walla News, 18.10.2016, <http://news.walla.co.il/item/3006003Search&cof=FORID%3A9>

"Knesset passes controversial 'transparency' law on NGO funding", Jewish Telegraph Agency, 12.07.2016 <http://www.jta.org/2016/07/12/news-opinion/israel-middle-east/knesset-passes-controversial-transparency-law-on-ngo-funding>

ACRI. "Anti-NGO Legislation in the Israeli Knesset". February 2016

<http://www.acri.org.il/en/wp-content/uploads/2016/02/Anti-NGO-Bills-Overview-Updated-February-2016.pdf>

Norway

Score 9

Funding for political parties in Norway is predominantly public. On average, parties receive about three-quarters of their revenues through state subventions (ranging

from 60% to 80%). Membership fees are now an insignificant source of party finances. Parties also receive private donations; for example, the Labor Party receives funds from particular trade unions, while the Conservative Party receives donations from individuals and business organizations. State support for parties is proportionate to the results of the last-held election, but even parties not represented in parliament have access to state support.

Since 1998, political parties have been obliged to publish an overview of the source of their revenues, with detailed reports required since 2005. Thus, all party organizations, central and local, are today obliged to submit detailed income reports, with full information on the source of income, on an annual basis. Information on contributions of NOK 30,000 or more must be provided separately, with the identity of the donor included. Income reports are submitted to the Central Bureau of Statistics and are published in detail. A new provision under consideration as of the time of writing would oblige parties to report expenditures, property holdings and debt as well as income.

Canada

Score 8

The Canada Elections Act requires registered parties or electoral-district associations to issue income-tax receipts for contributions, and to make public reports on the state of their finances. Furthermore, the act requires registered parties to report and make public all contributions of more than CAD 20. Elections Canada provides access to the full database online for public use. Corporations, trade unions, associations and groups are prohibited from contributing to political parties. Only individuals are allowed to contribute. The maximum annual limit for contributions to registered parties, registered associations, electoral candidates, and nomination and leadership contestants is CAD 1,500. The amount that candidates and leadership contestants may contribute to their own campaigns is CAD 5,000. Individuals receive generous tax credits for political donations.

In addition, political parties are funded by the government. Each registered federal political party that received at least 2% of all valid votes in the last general election, or at least 5% of the valid votes in the electoral districts in which it has a candidate, is reimbursed 50% of its national campaign expenses and further “election rebates” for riding-specific expenses. Until 2015, such parties were also given a per-vote subsidy, referred to as the “government allowance.” In 2012, the Conservative government passed a bill to reduce the allowance in stages, until it was fully phased out for the October 2015 federal election. All of the other major Canadian parties opposed the elimination of the per-vote subsidy. Of the ways in which federal parties are allocated public funding, the per-vote subsidy is largely considered to be the most democratic, so the Conservative government’s measure may be seen as negative from the perspective of fairness in party financing.

Citation:

Elections Canada, Administrative Compliance Policy for Political Financing, retrieved 2015 from http://www.elections.ca/pol/acp/adcom_e.pdf.

Denmark

Score 8

Political parties are financed by membership fees as well as support from other organizations/corporations and the state. Traditionally, the Social Democratic Party has received support from the labor movement and the Conservative Party and Liberal Party have received support from employers' organizations. A law enacted in 1990 outlined that such contributions are voluntary, so members of these organizations who do not want their membership fees used to support political parties can opt out.

Public support for political parties is becoming more important. The party groups in the parliament (Folketinget) receive financial support (recently increased) for their legislative work, including staff. Further, the parties receive electoral support depending on the number of votes garnered.

There is transparency about such public support. Concerning private support, the name of contributors donating more than DKK 20,000 should be made public, but the amount donated is confidential. Smaller amounts are allowed to remain anonymous. It is possible to circumvent publicity by donating below the limit to local branches of political parties and there are also examples of other indirect ways of supporting parties. The Danish branch of Transparency International has criticized these rules as insufficiently transparent. There is an ongoing discussion on the need for members of parliament to make all their economic interests public.

The Danish People's Party has recently run into problems with their use of EU money for their political activities in Denmark, not all related to the EU.

Citation:

Partistøtte på grundlag af deltagelse i seneste folketingsvalg, <http://valg.sim.dk/Valg/Partistoette/Folketingsvalg.aspx> (Accessed 8 October 2015).

Oversigt over partistøtte for 2014 på grundlag af deltagelse i folketings-valget den 15. september 2011, http://valg.sim.dk/media/750802/2014_oversigt_partist_tten.pdf (Accessed 8 October 2015).

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Transparency International Danmark, "Privat Partistøtte," http://transparency.dk/wp-content/uploads/2012/12/Policy-Paper_Privat-partist%C3%B8tte_elektronisk-version.pdf (accessed 20 October 2014).

Zahle, Dansk forfatningsret 1, pp. 159-160.

Germany

Score 8

Germany's political parties finance their activities under the terms of the Political Parties Act (PPA) through state funding, membership fees, donations and sponsorships. In order to be eligible for state funding, parties must win at least 0.5%

of the national vote in federal or EU elections, or 1% in state elections. A party's first 4 million votes qualify it for funding of €0.85 per vote; for every vote thereafter, parties receive €0.70. In addition, individual donations up to €3,300 are provided with matching funds of €0.38 per €1 collected. State funding of political parties has an upper limit, which in 2012 was €50.8 million. Since 2013, this cap has been annually adjusted for inflation.

Public financing, however, must be matched by private funding. Thus, parties with little revenues from membership fees and donations receive less than they would be entitled to based on votes alone. This has caused problems for the right-wing populist Alliance for Germany (AfD), which won many votes but produced little other revenues, limiting the party's public funding. Since any type of revenue counted, the AfD tried to inflate party revenues by selling gold. In January 2016, the Bundestag responded by passing an amendment making profits instead of turnover the basis for calculating the amount of public financing.

The insufficient transparency of party finances continues to receive criticism. The Group of States against Corruption (GRECO) has identified some progress with respect to transparency, but continues to point out shortcomings in the German system (GRECO 2011). However, as their 2013 report notes, the Bundestag's Committee on Internal Affairs and "the coalition parliamentary groups ... saw no need for further action" (GRECO 2013: 5) to implement GRECO's previous recommendations. In a recent assessment based on the accounting reports of all major parties, the nonprofit organization LobbyControl found that three-quarters of all donations to parties lack transparency. All donations less than €10,000 and revenues coming from party sponsorship remain opaque. By law, the names and addresses of campaign donors must be made public only if donations from that source exceed €10,000 per year.

German regulation on monitoring party financing is developed. In 2016, the public was reminded, however, that there is still room for improvement. Werner Mauss, member of the CDU and former employee of the Federal Intelligence Agency (BND), had illegally donated more than €100,000 since 1999 using a false name and transferring the funds via an offshore company. Other scandals have also increased pressure to amend the party financing regulations. For example, in 2015, the CDU received approximately €80,000 in sponsorship money from Philip Morris International (PMI), a large tobacco company headquartered in the United States. The SPD, FDP, and party-affiliated foundations have also profited from PMI sponsorship. Sponsorship money totaling half a million euros, however, were not registered in the parties' statements of accounts. Although perfectly legal, experts have criticized this regulatory gap: revenues stemming from sponsorship currently do not have to be listed separately. This practice was also heavily criticized because lobby groups were invited to sponsor events in exchange for access to the leadership of the SPD.

Citation:

OSCE (2013): Federal Republic of Germany. Elections to the Federal Parliament (Bundestag). 22 September 2013. OSCE/ODIHR Election Assessment Mission Report. Warsaw: OSCE/ODIHR. Internet source: <http://www.osce.org/odihr/elections/109518?download=true> (11/05/2014).

GRECO (2013): Third Evaluation Round. Second Interim Compliance Report on Germany. Strasbourg. Available online:

http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282013%2915_2nd%20Interim_Germany_EN.pdf.

<http://www.zeit.de/politik/deutschland/2016-10/rheinland-pfalz-cdu-spenden-patrick-schnieder>

<http://www.zeit.de/politik/deutschland/2016-08/bundestag-abgeordnete-nebenverdienste-abgeordnetenwatch-18-millionen>

<http://www.zeit.de/politik/deutschland/2015-12/afd-gold-parteienfinanzierung-kommentar>

http://www.bundestag.de/blob/189364/7ebd436e401e15cd784ec7b8e0884a8a/staatl_partei_finanz-data.pdf

Ireland

Score 8

Financing of Parties:

The financing of political parties in Ireland is supervised by the Standards in Public Office Commission (SIPO). Each of the political parties registered to contest a parliamentary or European election is required to furnish a donation statement to the commission and to publish annual accounts. The commission's last published annual report is for 2014.

Political parties that obtained at least 2% of the first-preference votes in the last general election qualify for public funding under the Electoral Acts. The amount payable to a qualified political party is based on its share of the votes received in the last election. In 2014, funding was paid to four qualifying parties: Fianna Fáil, Fine Gael, Sinn Féin and the Labour Party. In total they received €5.5 million, with the larger of the government parties, Fine Gael, receiving 42% of the share. The total value of donations from private sources disclosed by parties during 2014 was €166,392, of which Fine Gael received €102,567. The second largest donations total was recorded by the new Stop the Water Tax – The Socialist Party, which received €30,405.

Financing of Elections:

In contrast, the financing of elections still lacks transparency. By any comparative standard (see Van Biezen and Kopecky, 2015), Ireland's parties are well funded by the state.

The quid pro quo for generous state funding is supposed to be state regulation of party financing. During elections, this does not appear to be happening to an acceptable standard. For example, during the 2011 general election, the parties reported spending just under €3 million. Parties are not allowed to use any of their public funds to cover campaign expenses, but parties have to declare any donations over €5,078. Farrell (2015) observes that “In 2011, a year in which the parties between them spent over €9 million chasing votes, the total amount of donations they claimed to have received amounted to €30,997 – leaving a grand total of

€9,246,640 of party income unaccounted for. In its annual report for that year, SIPO noted that this was ‘the lowest amount disclosed since the introduction of the disclosure requirement 15 years ago’” (Farrell, p. 644).

Citation:

The most recent report on the funding of political parties is available here:

<http://www.sipo.gov.ie/en/reports/state-financing/expenditure-of-state-funding/2014-exchequer-funding-received-by-political-parties/exchequer-funding-received-by-political-parties-for-2014.html>

Luxembourg

Score 8

Party financing is regulated by a law passed on 21 December 2007. The implementation of the law was positively evaluated by the Group of States against Corruption (GRECO) which was established by the Council of Europe. While the law introduced rules on transparency and monitoring, as well as penalties for breaking the law, a GRECO report mentioned that “(...) some gaps still remain, in so far as insufficient account was taken of the financing of election campaigns and of candidates for election.” The impact of the improvements on the law, made during the period to improve transparency, monitoring of the Court of Auditors and sanctions, still need to be determined.

The GRECO Evaluation Team (GET) has complained about the lack of a uniform assessment method to evaluate various services and benefits in kind, such as positive coverage by partisan media during the election campaign. The GET demands a system of “effective, proportionate and dissuasive penalties” for those who break the law. Despite the new law, GET has pointed out that political parties still have no specific legal status. The major finding of the evaluation was the lack of public control over political party accounts, since parties often have had difficulties setting up an accounting system. Most of the issues raised in the GRECO report have been since corrected through more legislation. However, political parties must ultimately pay more attention to such concerns. Due to the complexity of the legislative changes, the implementation of additional measures has been delayed. The fourth GET evaluation again called for the rapid integration into national law of 13 anti-corruption recommendation.

Citation:

EU Anti-Corruption Report. European Commission, 2014. ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_luxembourg_chapter_en.pdf. Accessed 21 Feb. 2017.

Evaluation Report on Luxembourg on the “Transparency of Political Party Funding”. Group d’états contre la corruption, 2008. rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c76d3. Accessed 21 Feb. 2017.

“Mémorial A n° 261 de 2011.” Journal officiel du Grand-Duché de Luxembourg, 21 Dec. 2011, legilux.public.lu/eli/etat/leg/memorial/2011/261. Accessed 21 Feb. 2017.

New Zealand

Score 8 Party financing and electoral campaign financing is monitored by the independent Electoral Commission. Registered parties have upper ceilings regarding election campaign financing (including by-elections). Upper limits for anonymous donations as well as donations from abroad are comparatively low. In 2012, a government minister, John Banks, was accused of breaching the Local Government Act 2002 by failing to disclose the sources of three substantial donations made to his 2010 Auckland mayoral campaign, which he declared as anonymous. In mid-2014 the Local Government Amendment Act came into force, which aims to bring local election laws into line with the provisions of the aforementioned Electoral Amendment Act.

Citation:

Annual Report of the Electoral Commission for the year ended 30 June 2012 (Wellington: Electoral Commission 2012), pp. 13-15.

Local Government Amendment Act 2014,
<http://www.legislation.govt.nz/bill/government/2013/0165/latest/versions.aspx> (last accessed 6 November 2014).

Czech Republic

Score 7 The rules for party and campaign financing and their enforcement have been a major political issue for some time. In April 2015, the Ministry of Interior eventually submitted an amendment to the law on political parties to parliament. The proposal was based on the Group of States against Corruption of the Council of Europe (GRECO) recommendations to the Czech Republic issued in 2011. The suggested changes included an overhaul of the structure of the parties' annual reports, the introduction of a new threshold for donations to political parties set at CZK 2 million (€75,000) per year, establishing a new and independent regulatory body shifting the task of monitoring party and campaign financing away from parliament, and the creation of new political foundations (modeled loosely on the structure, functioning and funding of German party foundations). The amendment was adopted by the Chamber of Deputies in June 2016, by the Senate in August 2016 and subsequently signed by the president. It will come to force in January 2017. The coalition of anti-corruption NGOs, Reconstruction of State, was a major proponent of the law, and significantly contributed to the law's adoption by convincing MPs and Senators to support the reform, and monitoring their behavior. Several issues remain, undermining the efficiency of the reform, including some unjustified exceptions for financial operations, lack of control for companies and organizations connected to political parties, lack of attention to functioning of political think tanks, and small-scale sanctions.

France

Score 7

Lacking a sufficient legal framework, party financing has long been a source of recurrent scandals. Nearly all political parties used to finance activities by charging private companies working for local public entities or by taxing commercial enterprises requesting building permits. Only since 1990 has a decent regulatory framework been established. Since then, much progress has been made in discouraging fraud and other illegal activities. Nonetheless, not all party financing problems have been solved. Current legislation outlines public funding for both political parties and electoral campaigns, and establishes a spending ceiling for each candidate or party. The spending limits cover all election campaigns; however, only parliamentary and presidential elections enjoy public funding. Individual or company donations to political campaigns are also regulated and capped, and all donations must be made by check, except for minor donations that are collected, for instance, during political meetings. Donations are tax-deductible, with certain limitations. Additionally, regulations (in particular the law of 15 January 1990) established new checks and controls that are applicable for all elections in constituencies with more than 9,000 residents. Within two months after an election, a candidate has to forward the campaign's accounts, certified by an auditor, to the provincial prefecture, which conducts an initial check and then passes the information on to a special national supervisory body (Commission Nationale des Comptes de Campagne et des Financements Politiques). In presidential elections, this review is made by the Constitutional Council (Conseil Constitutionnel).

These controls have made election financing more transparent and more equal. Yet loopholes remain. For example, the presidential campaign of Edouard Balladur in 1995 has been placed under criminal investigation, over concerns that several million euros were paid to the campaign out of a contract with Pakistan for the sale of military submarines. The Constitutional Council has reviewed former President Sarkozy's presidential re-election campaign in 2012, and decided in July 2013 that he had exceeded his spending limits. His party had to return €1 million in penalties to the state. An ongoing inquiry has found evidence that Sarkozy's Union for a Popular Movement (UMP) party flagrantly ignored the rules and forged false invoices in order to appear to have remained under the spending ceilings set by law. Presently, the National Front and its leader, Marine Le Pen, are being prosecuted for violating financing regulations.

When these rules are violated, three types of sanctions can be exercised: financial (expenditures reimbursed), criminal (fines or jail) and electoral (ineligibility for electoral contests for one year, except in the case of presidential elections).

Japan

Score 7

While infringements of the law governing political-party financing have been common in Japan, the magnitude of this type of scandal has somewhat declined in recent years, although a number of cases have come up again since the LDP regained power in 2012. To some extent, the problems underlying political funding in Japan are structural. The multi-member constituency system that existed until 1993 meant that candidates from parties filing more than one candidate per electoral district found it difficult to distinguish themselves on the basis of party profiles and programs alone. They thus tried to elicit support by building individual and organizational links with local voters and constituent groups, which was often a costly undertaking. Over time, these candidate-centered vote-mobilizing machines (koenkai) became a deeply entrenched fixture of party politics in Japan. Even under the present electoral system, many politicians still find such machines useful. The personal networking involved in building local support offers considerable opportunity for illicit financial and other transactions. While the Political Funds Control Law requires parties and individual politicians to disclose revenues and expenditures, financial statements are not very detailed.

A number of new issues arose during the period under review. As for prominent cases, economics minister Akira Amari resigned in early 2016 over his office's receipt of money from a construction company while Tokyo governor Yoichi Masuzoe resigned over an expenses scandal. The Political Funds Control Law does not specify which kind of expenses are acceptable for public purposes but Masuzoe's usage was considered clearly irregular and thus "inappropriate but not illegal". A scandal erupted over the regular practice of blank receipts for political donations during fundraising parties. After some foot-dragging, the LDP told its Diet members that such behavior was "unacceptable in principle". While individual cases were dealt with, no action to revise the laws was taken.

Latvia

Score 7

Political parties are financed primarily through individual donations and public financing. Donation amounts are capped and legal entities, such as corporations, are prohibited from financing political parties. Financing is transparent, with donations required to be made publicly available online within 15 days. Campaign spending is capped. As of 2012, paid television advertisements are also limited, with a ban on advertising for a 30-day period prior to elections. Political party and campaign financing is effectively monitored by the Corruption Combating and Prevention Bureau (Korupcijas novēršanas un apkarošanas birojs, KNAB), with local NGOs playing a complementary role in monitoring and ensuring transparency. Infringements have been sanctioned, with political parties facing sizable financial penalties. The court system has been slow to deal with party-financing violations,

enabling parties that have violated campaign-finance rules to participate in future election cycles without sanction. Ultimately, however, those parties that have faced stiff penalties have been dissolved or voted out of office. Following the 2014 parliamentary elections, the KNAB sanctioned six parties for campaign-finance violations; five parties paid the requisite fines, but one party appealed the decision to the courts.

In fulfilling Group of States Against Corruption recommendations on improving political-party finance regulations, the limitation period for administrative violations of party-financing rules was increased to two years in 2012. In 2011, the illegal financing of political parties was made a criminal offense. To date, no cases have been brought under this new regulation.

Beginning in 2012, Latvia instituted public financing for political parties, with parties receiving public funds proportionate to their share of the vote in the preceding) parliamentary elections. Political parties have been sanctioned by the KNAB for the misusing public funds. In 2016, Vienotība, a major political party, had its public funding withdrawn due to campaign finance violations.

There are still ongoing issues with campaign financing, including the use of off-the-books funds to secure favorable media coverage, the illegitimate use of public funds and administrative resources to support political campaigns, and the alleged use of marketing funds by local-government-owned enterprises to support incumbent politicians' election campaigns.

Citation:

1. Amendments to the Criminal Law Regarding Illegal Party Financing (2011), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=236272>
2. Group of States Against Corruption (GRECO)(2012), Third Evaluation Round, Second Compliance Report on Latvia: Transparency of Party Funding, Available at: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282012%2913_Second%20Latvia_EN.pdf, Last assessed: 21.05.2013
3. Law on the Financing of Political Organizations (Parties), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=36189>, Last assessed: 21.05.2013
4. "Overview of Violations of Campaign Finance Regulations in the 2014 Saeima elections," KNAB (published in Latvian). Available at: http://www.knab.gov.lv/uploads/free/parskati/12.saeimas_finansu_parbaudes_1.07.2015.pdf, last assessed: 16.11.2015.

Lithuania

Score 7

Political parties may receive financial support from the state budget, membership fees, bank loans, interest on party funds and through citizens' donations of up to 1% of their personal income tax, as well as through income derived from the management of property; the organization of political, cultural and other events; and the distribution of printed material. State budget allocations constitute the largest

portion of political parties' income, as corporations are no longer allowed to make donations to political parties or to election campaigns. All donations exceeding about €1,800 must be made public, and there is an expenditure limit (about €765,000) linked to the number of voters.

Campaign-finance regulations are detailed, and sanctions for violating the law were recently increased. However, implementation of the rules should be more closely monitored and enforced in practice. For example, the Labor Party, part of the 2012 to 2016 coalition government, was taken to court for failing to make public about €7 million in income and expenditure through the 2004 to 2006 period. After several years examining the case, the appeals court found two party members and one party official guilty of fraudulent bookkeeping, though they escaped prison sentences. The Lithuanian Prosecutor General's Office has appealed this ruling to the supreme court.

Citation:

OSCE/ODIHR Election Assessment Mission Report on the 2012 parliamentary elections in Lithuania, see <http://www.osce.org/odihr/98586>.

OSCE/ODIHR Election Assessment Report on the 2014 presidential elections in Lithuania, <http://www.osce.org/odihr/elections/116359?download=true>.

Poland

Score 7

Party and campaign financing regulation is clear and effective. While party financing is regulated by the 2001 Political Parties Act, the rules governing campaign financing are part of the 2011 election code. Parties depend heavily on public funding, which is provided only to parties that win at least 3% of the vote. Party spending is monitored by the National Election Office, the executive body of the National Election Commission, which consists of nine active or retired judges appointed by the president. Monitoring is strict, but focuses exclusively on spending financed by public funds. According to the election code, only registered electoral committees can finance campaigns, and there is a maximum spending limit for campaign purposes of approximately €7 million. In practice, separating party and campaign financing has sometimes turned out to be challenging. Other problems include the insufficient coverage of pre-campaign spending, the short window of time in which objections can be raised by the National Election Commission, and the lack of detail transparency in commission reports of electoral committee revenues and finances. A 2014 amendment to the Political Parties Act limited parties' risk of losing money as a result of minor accounting mistakes. However, the fact that an election committee's financial and criminal liability rests with its financial officer makes it difficult to find individuals willing to be nominated to the position. A referendum in September 2015 put the reform of party financing on the public agenda. While the referendum ultimately failed because of a low participation rate of 7.8%, more than 80% of those participating voted to abolish the existing system. Debates about party and campaign financing rules have also been prompted by

decisions of the National Electoral Commission to sanction two opposition parties for procedural errors and inaccurate bookkeeping.

Citation:

Markowski, R., M. Kotnarowski, M. Wenzel, M. Żerkowska-Balas (2015): *Democratic Audit of Poland 2014*. Frankfurt/M.: Peter Lang, 144-148.

OSCE/ODIHR (2016): *Election Assessment Mission Final Report Poland: Parliamentary Elections 25 October 2015*, Warsaw, 10-12 (<http://www.osce.org/odihr/elections/poland/217961?download=true>).

Sawicki, A. (2015). *Finansowanie partii politycznych i kampanii wyborczych w Polsce*. Warszawa: Instytut Spraw Publicznych.

Wittman, F., T. Zapart (2015): *Ein gescheitertes Referendum ohne Gewinner? Wahlrecht und Parteienfinanzierung im polnischen Parteiensystem auf dem direktdemokratischen Prüfstand*. Polen-Analysen Nr. 168, Bremen (<http://www.laender-analysen.de/polen/pdf/PolenAnalysen168.pdf>).

Portugal

Score 7

Political-party funding oversight lies with the Constitutional Court, which has a specific body to monitor party financing and accounts – the Entidade das Contas e Financiamentos Políticos (ECFP). There are two main sources of funds for political parties. First, the state provides funding to all parties that received vote shares above a certain threshold in previous elections (over 100,000 votes in the case of legislative elections); second, parties receive private contributions, which must be registered with the electoral commissions of each of the parties at the local, regional and national levels.

Parties' annual accounts and separate electoral-campaign accounts are published on the ECFP website and are scrutinized by this entity, albeit with considerable delay. During the current period under review, the ECFP pronounced judgements on the 2011 presidential elections, as well as on party accounts for the years 2011 and 2012.

As noted in the previous report, ECFP reviews tend to identify irregularities and/or illegalities. However, sanctions for infractions are relatively small and infrequent. A 2012 study examining oversight of party accounts – based on interviews with both the ECFP and party representatives – noted that the ECFP lacked resources, which limits its capacity to fully monitor party and election funding. This appears to have remained true in the current period.

Citation:

(1) Marques, David & Coroado, Susana (2012). "Sistema Nacional de Integridade – Portugal," p. 31

Slovenia

Score 7

According to the Act on Political Parties, parties can be financed by membership fees, donations, estate revenues, the profits of their companies' revenues and public subsidies. If a political party wins at least 1% of all votes in the previous parliamentary elections, it is entitled to financial resources from the national budget:

25% of the total budget amount is divided equally between all eligible parties. The remaining 75% is divided among the parties represented in the National Assembly according to their vote share. In addition, parliamentary party groups can obtain additional support from the national budget for their parliamentarians' education purposes, and for organizational and administrative support. All political parties must prepare annual reports and submit them to the National Assembly. The reports, which are submitted to the Agency of the Republic of Slovenia for Public Legal Records and Related Services, must disclose aggregate revenues and expenditures, detail any property owned by the party, and list the origins of all donations that exceed the amount of five times Slovenia's average gross monthly salary. Parties are also required to submit post-electoral reports to the Court of Audit, which holds official responsibility for monitoring party financing. Following many calls to further increase transparency and strengthen the monitoring and sanctioning of party financing, legislation on the issue was finally amended in January 2014, barring donations from private companies and organizations. At local elections, compensation for political parties during the electoral campaign are set autonomously by the local communities.

Austria

Score 6

Political-party financing in Austria has been characterized by unsuccessful attempts to limit the ability of parties to raise and spend money. Austrian electoral campaigns are among the most expensive (on a per-capita basis) in the democratic world, thanks to the almost uncontrolled flow of money to the parties. These large flows of money create dependencies, in the sense that parties tend to follow the interests of their contributor groups, institutions and persons.

However, some improvements have been made in recent years, for instance by making it necessary to register the sums given to a party. An amendment to the Austrian act on parties made it mandatory for parties to declare the sources of their income, beginning in 2012. Additionally, parties are required to keep records of their accounts and publish a yearly financial report. This annual report must include a list of donations received. Therefore, and for the first time, policymakers have sought to render the flow of private money to parties transparent. The yearly reports are subject to oversight by the Austrian Court of Audit, and violations of the law can be subject to penalties of up to €100,000. The fact that some parties violated set limits during the 2013 campaign has prompted a new debate regarding stronger oversight and sanctions.

This regulatory structure does have loopholes, however, as parties do not need to identify the sources of donations below the amount of €3,500. As long as parties can spend money without oversight or limitations, it can be assumed that they will find ways to raise money outside the system of official scrutiny.

A system of public political-party financing on the federal, state and municipal level was established in the 1970s. This can be seen as moderating the dependencies established by private funding, but has not significantly changed these private flows.

The presidential elections of 2016 demonstrated that the regulations concerning party financing do not include presidential elections. Presidential elections are officially seen as electoral contests between persons and not political parties. But as the candidates are usually nominated and backed by parties, exempting presidential elections from an overall system of campaign finance regulation must be seen as inconsistent.

Citation:

Hubert Sickinger, "Politikfinanzierung in Österreich". Vienna 2009 (Czernin)

Chile

Score 6

In general, party and campaign financing processes are not very transparent. Upper limits to campaign financing are set by law, but enforcement and oversight are not very effective. Electoral campaign expenditures are financed by public funds and private financing, but ineffective monitoring often enables the latter to be rather opaque. De facto, there are no real mechanisms for applying penalties in the event of irregularities. Law No. 20,640, approved in October 2012, made it possible for a political coalition to support candidates on a joint basis. This process is voluntary and binding, and joint campaign expenditures are limited by the current public-transparency law (Ley de Transparencia, Límite y Control del Gasto Electoral). This limit is set at 10% of the amount allocated for normal elections.

At the end of 2014, wide-ranging evidence of corruption in political-party funding came to light. As the investigation progressed, more and more politicians and political parties have turned out to be involved, across the political spectrum. Known as "Pentagate," the scandal reached such a dimension that the former head of the Chilean General Accounting Office (Contraloría de la República) said in his end-of-term speech in April 2014: "We can't shut our eyes, corruption has arrived." The scandals have been particularly striking given that Chile has always tended to be considered an exception to the endemic corruption found elsewhere in Latin America.

As a response to this crisis, President Bachelet convoked an anti-corruption council that proposed several anti-corruption measures, including new restrictions on private campaign funding, which were largely enacted in April 2016. With the new Law No. 20,900, which modifies former Law No. 19,884, a higher base amount is provided by the state for electoral campaigns, but enterprises are barred from providing funding to political parties or campaigns. In addition, anonymous donations have become illegal and all donations must be transparently registered. During the period under review, court hearings on irregularities in political party funding and relating to some

of the already mentioned corruption scandals were still ongoing. Of the sentences that have been imposed, they have tended to be rather light. It remains to be seen how the new law will impact electoral campaigns and political financing and if the responsible authorities will be able to monitor the law's adherence.

Citation:

<http://www.servei.cl/financiamiento-de-campanas/>

<http://www.latercera.com/noticia/politica/2016/04/674-676080-9-estas-son-las-normas-que-fija-la-nueva-ley-para-regular-el-financiamiento-de.shtml>

Greece

Score 6

Until 2014, party financing for national elections was regulated by Law 3023/2002, while the financing of competing electoral lists for local government elections is regulated by Law 3202/2003. A new law (4304/2014), which adheres to guidelines established by the Council of Europe, constrains the size of budget outlays to parties, increases transparency regarding donations to parties and bars the practice of parties' obtaining bank loans against future revenue which the parties expect to receive from the state. Every year, the interior minister issues a ministerial ordinance which distributes funds to parties which have received at least 1.5% of the total vote in the most recent elections.

The new law is an improvement over past legislation and it has started to be implemented. A new state committee, the monitoring mechanism of electoral campaign spending, has been established under an August 2016 decision of the Greek parliament. In other words, in the period under review, there was visible progress with regard to implementing legislation, but monitoring is still rather ineffective as far as the actual sources of party financing are concerned. There is discussion about drafting a new bill, on the same issue, under pressure exerted on Greece by the Council of Europe.

Citation:

A brief article on the new law in English is available at <http://www.ekathimerini.com/162022/article/ekathimerini/news/bill-introduces-new-rules-for-funding-of-greek-political-parties>. Accessed on 03.11.2015.

Iceland

Score 6

The 2006 law regulating the financing of political parties provides three types of public grants. First, an annual grant, proportional to the national vote share in the previous election, is awarded to any party or independent group with at least one member of parliament or attained at least 2.5% of the national vote in the last election. Second, an annual grant, proportional to the number of seats in parliament, is awarded to all parliamentary parties or independent groups. Third, a grant is awarded to any party or independent group, in a municipality of 500 inhabitants or

more, with at least one member in the local council or attained at least 5% of the vote in the last municipal election. The law also regulates private contributions to politics. For example, parties are not allowed to accept more than ISK 400,000 (€3,100) from any private actor, company, or individual.

The National Audit Office (Ríkisendurskoðun) monitors the finances of parties and candidates, and publishes annual summaries that include total expenditure and income. Income must be classified by origin, identifying companies or other contributory entities to party finances before and during election periods.

Before the 2007 election campaign, political parties reached an agreement that a maximum of ISK 28 million could be spent on TV, radio, and newspaper advertisements. Despite this agreement, there is legal limit on electoral spending. Since 2009, regulation on party finances has been under review, but no final agreement has been reached.

The law on party financing was originally drafted by a committee comprising party representatives, including the chief financial officers of the main political parties. This followed the disclosure by the National Audit Office that, among other things, fishing firms gave 10 times as much money to the Independence Party and the Progressive Party between 2008 and 2011 as to all other parties combined. The Independence Party and the Progressive Party have been and remain particularly generous toward the fishing industry. Similarly, the Special Investigation Commission disclosed that huge loans and contributions were provided by the Icelandic banks to political parties and politicians between 2006 and 2008, on a per capita scale significantly greater than in the United States.

Citation:

1. Lög um fjármál stjórnmálasamtaka og frambjóðenda og um upplýsingaskyldu þeirra, nr. 162/2006 (Law on the finances of political organizations and candidates and about their information duties nr. 162/2006).
2. Lög um breytingu á lögum nr. 162/2006, um fjármál stjórnmálasamtaka og frambjóðenda og um upplýsingaskyldu þeirra nr. 119 21. september 2010.
3. Kristinsson, G. H. (2007): Íslenska stjórnmálakerfið. 2. útgáfa. Reykjavík, Háskóli Íslands. (The Icelandic political system. Second edition)
4. Special Investigation Committee (SIC) (2010), "Report of the Special Investigation Committee (SIC)," report delivered to Althing, the Icelandic Parliament, on 12 April. See <http://www.rna.is/eldri-nefndir/addragandi-og-orsakir-falls-islensku-bankanna-2008/skyrsla-nefndarinnar/english/>

Mexico

Score 6

Mexico's elections are highly regulated by the state. This reflects a history of electoral fraud and rigged elections which resulted in distrust between parties and a desire to formalized rules. The National Electoral Institute (INE) is in charge of monitoring party compliance with electoral rules and regulations. It is also responsible for administering and auditing the public funding of parties.

By international comparison, public funding of political parties in Mexico is

extremely generous. Political parties are mostly financed by the state and there are restrictions on the amount of fundraising permitted. INE also coordinates campaign advertisements for parties. Electoral expenditures have been similarly controlled. INE can and does impose significant sanctions on political parties if they fail to comply with funding rules.

Measured against official reporting, the party-financing system works well. However, organized crime and corruption represent a serious threat to the integrity of the political system. There is widespread evidence of successful attempts by organized criminal and other illicit interests in society to influence electoral processes and public officials. Municipal officials are especially vulnerable to pressure from criminal groups. Thus, while INE's bureaucracy is by and large efficient and impartial, weak rule of law and ineffective criminal courts impact elections.

Slovakia

Score 6

After long debate and various failed attempts, new rules on campaign finance were eventually adopted in May 2014 and became effective in July 2015. The new rules limit campaign expenditures to €3 million for parties and €500,000 for candidates for presidential, regional and communal elections. Parties or candidates that exceed these limits can be fined up to €300,000. Parties and candidates are required to have a transparent bank account for electoral purposes that serves as a mechanism for monitoring transactions and donors. Vote-buying is subject to penalty, as is "stealing" the name of another party shortly before it is registered. A newly created state commission for elections and political party financing oversees campaigns and elections. The appointment of the 14 members of the commission in August 2015 confirmed concerns about its independence. The governing Smer-SD had a clear majority in the commission, since ten members were chosen by the parliamentary parties on the basis of their shares in seats and four members were nominated by various state institutions dominated by Smer-SD. No representative of a watchdog institution made it into the commission.

Citation:

OSCE/ODIHR (2016): Election Assessment Mission Final Report Slovakia: Parliamentary Elections March 5, 2016. Warsaw, 9-11 (<http://www.osce.org/odihr/elections/slovakia/235591?download=true>).

Sweden

Score 6

Political parties in Sweden receive public as well as private support. Despite extensive debate, political parties still do not make their financial records available to the public and there is no regulation requiring them to do so.

This lack of disclosure has become increasingly frustrating to the public, as the parties receive extensive financial support from the state. The current support (central, regional and local) amounts to a total of some SEK 440 million (equal to €52 million) per annum. The only information that is made available about party financing is scattered and provided on an ad hoc basis by the respective parties.

The political party organizations, following legal advice, argue that disclosing the names of donors would compromise their political integrity.

Neither is there any public institution that effectively monitors fiscal contributions to party organizations. The media monitors and reports on the parties, however.

Citation:

http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/kad-insyn-i-partiers-och-valk_H101KU35/

United Kingdom

Score 6

The Electoral Commission oversees all political financing in the United Kingdom. The commission is an independent institution set up by parliament, which publishes all its findings online to make them easily accessible. Although all donations above a certain threshold must be reported to the commission, the fact that political parties are largely dependent on donations for their ever-increasing spending on national campaigns has repeatedly led to huge scandals in the past. There have also been highly publicized cases where individual party donors have been rewarded by being granted honors. Changes have also been made to prevent donations from individuals not resident in the United Kingdom. Although these cases have generated considerable media interest, there is not much evidence that donations have influenced policy.

In 2011, the Committee on Standards in Public Life published a report recommending a cap of £10,000 on donations from individuals or organizations. This recommendation was welcomed, at the time, but has not been introduced.

Contributions from party members or local associations (through local fundraising) are relatively minor, though still useful to parties, compared to the amount parties receive from institutional sponsors (trade unions in the case of the Labour Party, business associations in the case of the Conservative Party) and individual donors. There is also some state financing of parties (known as “Short Money” after the politician who initiated it in the 1970s), which will be cut following the latest government expenditure review. The previous coalition government pledged to reform party financing, but made no substantial progress on the issue. The Conservative government elected in 2015 passed a Trade Union Act, which includes new restrictions on trade union financing for political parties. This will reduce the Labour Party’s income.

United States

Score 6 At the federal level, campaign-finance law is enacted by Congress and enforced by the Federal Election Commission (FEC). The Federal Election Campaign Act of 1974 and the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold Act) made the system of contributions to candidate campaigns and political parties very transparent and strictly regulated. Although private contributions to parties and candidates are subject to effective oversight, so-called independent expenditures have been subject to fewer, and steadily diminishing, constraints. More significantly, in the 2010 Supreme Court ruling, *Citizens United v. Federal Election Commission*, the court rejected any limits on private advertising in election campaigns.

As a result, the 2010 and 2012 elections saw the rise of so-called Super PACs – political action committees able both to make unlimited contributions on behalf of parties or candidates, and to receive unlimited contributions from individuals, corporations, unions or other entities. Neither the contributor nor the candidate or party can be held accountable. In the 2014 *McCutcheon* case, the Supreme Court went further, striking down the limit (then set at \$123,200) on aggregate contributions by an individual directly to political parties or candidates (as opposed to independent groups).

Bulgaria

Score 5 Party financing in Bulgaria is regulated by the Political Parties Act originally adopted in April 1990. Parties are financed through a combination of a state subsidy, membership dues, property income, and sale of publications and royalties. They are also allowed to draw bank credit up to a set cap. Anonymous donations are not allowed, and donations can be made only by individuals, not by companies or other legal entities. The audit office oversees party financing in Bulgaria. Every year parties are obliged to submit a full financial report, including a description of all their properties and an income statement. Reports from parties with budgets larger than €25,000 must be certified by an independent financial auditor. In addition to the annual reports, parties, coalitions or nominating committees are obliged to submit special financial reports after each electoral campaign. The audit office is obliged to publish all these reports online, perform a thorough audit of the reports, and prepare and publish online its own auditing report. Parties are subject to sanctions for irregularities in their financial reporting. The likelihood of political sanctions being exercised are increased as well by the fact that all reports are made available online.

Despite legal provisions to the contrary, in practice, non-regulated party financing seems to be available, as all parties have “concentric circles” of firms that finance the parties in exchange for political patronage. A second problem with party financing in

Bulgaria is that the legal framework has tended to benefit the larger parties. This has mainly been because the funding that parties receive from the state is linked to the number of votes cast for them in the most recent parliamentary election. This has made it difficult for small new parties to emerge without significant private financial support.

In the national referendum that accompanied the presidential elections in November 2016, a majority of three-quarters of voters opted for limiting state subsidies to parties to 1 BGN per voter. Since the turnout was slightly lower than in the 2014 parliamentary elections, however, the referendum was not binding.

Citation:

Rashkova, E., M. Spirova (2014): Party regulation and the conditioning of small political parties: evidence from Bulgaria, in: *East European Politics* 30(3), 315-329.

Croatia

Score 5

With the adoption of the Law on Political Parties and Campaign Funding in February 2011, the regulation of political finance has become more transparent and effective. The new law has made it obligatory to disclose party revenues and expenditures, introduced limits on private donations, donations from the business sector and campaign spending and established a ban on foreign donations. However, the reliability of the reports submitted is questionable – there is an excessive reliance on public funds to finance parties and campaigns and insufficient public control of party and campaign budgets. The key problem in implementing effective bans on inappropriate campaign funding is the weakness in enforcing the law. In-kind services and various forms of indirect money transfers from the business sector allow legal restrictions to be circumvented, and make it difficult to obtain a clear picture of party finances. The monitoring capacity of the State Electoral Committee is weak, as it can open its own investigations only after having received official financial reports from political parties or individual candidates. In a big step forward, the State Auditing Office has also begun to carry out systematic audits of the campaign budgets of political parties and individual candidates. However, it can neither conduct random audits nor react to external complaints.

In order to limit the burden on the already strained budget, campaign financing for the snap elections in November 2016 was limited. After the elections, MOST insisted on a limit to public party financing as a precondition for forming a coalition with HDZ. As a result, the Law on Financing of Political Activates and Election Campaigns was amended in October 2016 with a view toward limiting the annual financing of political parties.

Italy

Score 5

Political parties are largely financed by public funds. State financing was regulated until February 2014 by a 1993 law (Legge del 10 Dicembre 1993 no. 515, e successive modificazioni recante norme sulla Disciplina delle Campagne Elettorali per l'Elezione alla Camera dei Deputati e al Senato della Repubblica), and was monitored by an independent judiciary organ – the Court of Accounts (Corte dei Conti) – which checked the accounts provided by parties and could sanction infringements.

Private financing must be declared by candidates and parties, and is controlled by regional judicial bodies. The existing rules about private and public financing of parties and their enforcement are largely inadequate for a fully transparent system. The degree of publicity over private contributions is largely left to the parties and in many cases is very defective. In recent years, many cases of individual or institutional abuse or even fraud of public party funding emerged in almost all of the political parties.

A new reform (Law 21 February 2014, n. 13) has almost completely abolished public financing for parties. It has introduced a new regime of fiscal exemptions for private contributions and created a new oversight institution, the “Commissione di garanzia degli statuti e per la trasparenza e il controllo dei rendiconti dei partiti politici,” whose members are nominated by judicial bodies. The new system will be implemented gradually and become fully effective only in 2017. By 2017, political parties will be entirely privately financed. The “due per mille” policy will enable citizens to nominate a political party to receive 0.2% of their income tax. So far, this system has proven highly unsuccessful. In 2015, only 1.1 million out of 41 million people who paid income tax (2.7%) exercised this possibility.

Romania

Score 5

The legal framework for party and campaign financing was amended in 2016. One important amendment has required parties to declare all contributions received along with the sums earmarked for television ads and posters while identifying the contributors. A second amendment strengthened the obligation of parties to document the use of public funds, which constitute a significant portion of party resources. While these amendments have enhanced the transparency and accountability of party financing, other changes have pointed in the opposite direction. In early 2016, the two biggest parties, PSD and PNL, both highly indebted, colluded and reduced the possibility for creditors to get their money back from parties. However, the main problem still is lagging implementation. Parties circumvent regulations through a variety of methods such as the creation of fictitious positions and party structures, thus enabling them to hide additional sources of

income. As a result, spending by parties and candidates surpasses their declared resources, and true donor support exceeds parties' stated income. Sanctions are rare even in cases of blatant legal breaches.

South Korea

Score 5

Party and campaign financing is a controversial topic in South Korea. Due to the low rate of fee-paying membership in political parties (on average less than 0.1% of party members), candidates in elections have to spend huge amounts of money to hire supporters and place advertisements. Parties receive public subsidies according to their share of the vote in the most recent previous election. However, a larger share of campaign financing comes from private donations. Today, many election candidates raise funds in the form of special investments, rather than as donations. A system encouraging people to report illegal electoral practices, introduced in 2004, has played a positive role in reducing illegal campaign financing. Although election laws strictly regulate political contributions, efforts to make the political funding process more transparent have had only limited success. Many violations of the political funding law emerge after almost every election, and many elected officials or parliamentarians have lost their offices or seats due to violations. For example, as of the time of writing, 40 candidates elected in the 13 April 2016 parliamentary elections were being investigated for election-related offenses, with 10 individuals alleged to have made illegal donations.

The heavy penalties associated with breaking the political financing law have had limited effect on politicians' actual behavior. Moreover, breaking the election law carries little stigma. After the 2016 general election, presidential hopeful Ahn Cheol-soo resigned as co-leader of the People's Party following a scandal in which three party members had allegedly demanded a total of KRW 216 million (1,000) as "rebates" from two advertising companies, and received reimbursements from the National Election Commission for more money than the party had spent by reporting expenditures as election expenses. As of the time of writing, this corruption allegation was still being investigated by prosecutors.

Citation:

"People's Party lawmaker appears for questioning over rebate allegation," The Korea Herald, 23 June 2016.

<http://www.koreaherald.com/view.php?ud=20160623000719>

"People's Party falls into crisis as Ahn resigns," The Korea Times, 29 June 2016.

http://www.koreatimes.co.kr/www/news/nation/2016/08/116_208219.html

Spain

Score 5

Party-financing legislation was reformulated in 2015 (Ley Orgánica 3/2015) as part of an anti-corruption plan seeking to increase transparency and impose sanctions for violations, passed following the emergence of a significant number of scandals in recent years. The previous, less strict law was ineffectual in preventing opaque

donations received by think tanks and charities associated with parties, backdoor funding in the form of the cancellation of parties' bank loans or debts, and even plainly illegal direct financing in large volumes (such as the famous Gürtel and Barcenas cases, involving the PP or the Palau case, involving the nationalist Catalan CDC).

Under the current rules, political parties are deemed private associations with a mixed revenue system. They are assigned funds from the public budget in proportion to their parliamentary representation, but can also collect private money from individuals (including the largely insignificant membership fees) and corporations. The new law imposes spending thresholds in electoral campaigns, and the contributions made by businesses are at least in theory subject to limits and conditions (for example, anonymous donations are forbidden, and companies that supply goods or services to the state cannot contribute to campaigns). The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts, but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence, since its members are appointed by the parties themselves. On the other, it lacks staff resources and suffers delays in the publication of audit reports.

Citation:

Ley Orgánica 3/2015:

www.boe.es/diario_boe/txt.php?id=BOE-A-2015-3441

Netherlands

Score 4

Until about a decade ago, political-party finances were not a contested issue in Dutch politics. Financing of political parties comes largely from membership contributions (40-50%), “party tax” of elected members' salaries and acquisitions (festivities, bazaars, dinners) and government subsidies (30-35%, or €16.5 billion in 2016). However, newcomer parties like the Pim Fortuyn List (Lijst Pim Fortuyn, LPF), and later the Party for Freedom (Partij voor de Vrijheid, PVV) received substantial gifts from businesses and/or foreign sources, while the Socialist Party (Socialistische Partij, SP) made its parliamentarians completely financially dependent on the party leadership by demanding that their salaries be donated in full to the party.

As government transparency became a new general political issue, these glaring opacities in the Dutch “non-system” of party financing were flagged by the Council of Europe and the Group of Countries against Corruption (GRECO) – resulting in increasing pressures to change the law. Political expediency caused many delays, but the Rutte I Council of Ministers introduced a bill on the financing of political parties in 2011.

This new law eradicates many – but not all – of the earlier loopholes. Political parties are obliged to register gifts starting at €1,000, and at €4,500 they are obliged to

publish the name and address of the donor. This rule has been opposed by the PVV as an infringement of the right to anonymously support a political party. Direct provision of services and facilities to political parties is also regulated. Non-compliance will be better monitored, and an advisory commission on party finances will counsel the minister on politically sensitive issues. The scope of the law does not yet extend to provincial or local political parties. The law's possible discrimination against newcomer political parties remains an unresolved issue.

Citation:

Wet financiering politiek partijen: einde in zicht - maar wat een gaten! (montesquieu-instituut.nl, consulted 5 november 2014)

Parlement & Politiek, Partijfinanciering, 2016 (parlement.com, consulted November 9 2016)

Ontvangen politieke partijen giften en subsidies?, 2016 (rijksoverheid.nl, consulted 9 November 2016)

Turkey

Score 4

Article 60 of Law 2820 requires political-party organs at every level to keep a membership register, a decision book, a register for incoming and outgoing documents, an income and expenditure book, and an inventory list. According to Article 73 of Law 2820, political parties must prepare yearly statements of revenues and expenditures, at both the party-headquarters and provincial levels. However, Turkish law does not regulate the financing of party or independent-candidate electoral campaigns. Presidential candidates' campaign finances are regulated by Law No. 6271; these candidates can legally accept contributions and other aid only from natural persons having Turkish nationality. However, the Supreme Election Board has allowed political parties to organize campaign activities and purchase advertisements for their candidates in a way unregulated by law. Thus, the state aid provided to the political parties can be used indirectly for presidential-campaign activities.

There is no legal ceiling for campaign expenditures. Law No. 2820 (Article 66) enables organizations such as unions or professional organizations to contribute to political parties. The finances of candidates in local and parliamentary elections are not regulated by law. There is no specific reporting obligation for campaign contributors, apart from a general requirement, based on the Tax Procedure Code, for individuals to declare expenses (which could include political contributions) to the tax authorities. Pursuant to Article 69 of the constitution, Article 74 of Law 2820 stipulates that political-party finances must be audited by the Constitutional Court to verify whether the parties' property acquisitions, revenues and expenditures are in compliance with the law. Auditing decisions by the Constitutional Court are published in the Official Gazette. The review report of the Supreme Election Board on presidential candidates' campaigns must be announced within a month of the audit's completion. However, the law does not specify where the audit result shall be announced.

The Constitutional Court, with the assistance of the Court of Accounts, examines the accuracy of information contained in a party's final accounts and the legality of recorded revenues and expenditures on the basis of information at hand and documents provided. Before the court's examination, party accounts must be audited by certified experts. Law 2820 contains criminal, administrative and civil sanctions that can be imposed on political parties, party officials, party candidates or other persons.

Ceilings for donations to political parties by private individuals are evaluated each year. This level was approximately €7,200 in 2016. However, donations are often not properly or systematically recorded – for example, cash and in-kind contributions or expenditures made in support of parties or candidates during elections are not recorded. The funds collected and expenditures incurred by individual elected representatives or candidates during political party activities, including electoral campaigning, are not included in party accounts. Party accounts published in the Official Gazette provide only general figures and potential infringements. The accuracy of the financial reports posted by political parties online needs to be examined. Critics have argued that discretionary funds controlled by the Prime Minister's Office (PMO) and the president were used for the incumbent party's campaigns.

During the period under review, GRECO found that no tangible progress has been made in Turkey since the adoption of the Second Compliance Report on Transparency of Party Funding in March 2016. No legal framework for auditing election campaigns or individual candidates' finances at the local or parliamentary level exists.

Citation:

GRECO, Third Evaluation Round Evaluation 2nd Interim Compliance Report on Turkey, 21 March 2015, [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2015\)17_2nd_Interim_Turkey_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2015)17_2nd_Interim_Turkey_EN.pdf) (accessed 1 November 2016)

Gençkaya, Ömer Faruk, Umut Gündüz and Damla Cihangir-Tetik, Political Finance and Transparency İstanbul: Transparency International Turkey Chapter, 2016. [http://www.seffalik.org/wp-content/uploads/2016/01/Siyasetin-Finansman%C4%B1-EN .pdf](http://www.seffalik.org/wp-content/uploads/2016/01/Siyasetin-Finansman%C4%B1-EN.pdf). (accessed 16 January 2016)

Money, Politics and Transparency, Turkey Report, 2015, <https://data.moneypoliticaltransparency.org/countries/TR/> (accessed 27 October 2015)

OSCE/ODIHR (2015b) Republic of Turkey Early Parliamentary Elections, 1 November 2015. OSCE/ODIHR Limited Election Observation Mission Final Report, <http://www.osce.org/odihr/elections/turkey/219201?download=true>

OSCE/ODIHR (2015a) Republic of Turkey Parliamentary Elections, 7 June 2015 Limited Election Observation Mission

Final Report, <http://www.osce.org/odihr/elections/turkey/177926?download=true>.

OSCE/ODIHR (2014), Republic of Turkey Presidential Election 10 August 2014 OSCE/ODIHR Needs Assessment Mission Report, 7-9 May 2014, <http://www.osce.org/odihr/elections/turkey/119439?download=true>.

Cyprus

Score 3

Political parties and affiliated organizations have received state funding since 1989. Numerous law amendments – with the latest in November 2015 – in response to GRECO recommendations sought to regulate private funding and fight corruption.

Financial or other donations up to €50,000 are allowed; the list of donors has to be published except for sums below €500. All parties and candidates accounts including election-related (i.e., income, expenditure, assets and debts) must be audited annually by the auditor general, forwarded to him by the director-general of the Interior Ministry (registrar for political parties). Parliamentary candidates have an electoral expenditure cap of €30,000; moreover, they must avoid activities that constitute corruption. Non-compliance and corruption are subject to fines and/or imprisonment, depending on the offense. However, details on compliance with 2016 electoral laws regarding expenses have not been made public yet.

In its March 2016 report, GRECO noted that most of its recommendations are only partially implemented. In addition, an informal survey by the author of this report shows that parties and candidates did not fully comply with electoral expenses reporting obligations in 2016. Details of full accounts, donations received, and expenditures related to elections have to be made public yearly according to specific procedures and deadlines set in the law.

The caps set for donations, and per-candidate expense limits, seem excessively high given Cyprus' small size (550,000 voters). The criteria used in setting the level of annual or extraordinary state subsidies to political parties remain opaque.

Reports by the European Commission focus on corruption, conflicts of interest and lobbying, and stress the need for more transparency and efficiency to combat corruption. These pressures go along with those exerted by civil society groups, as well as investigation of alleged parties' and politicians' corruption cases. However responses by the parliament and the authorities still remain inadequate, while effective enforcement is pending.

Citation:

1. CoE - GRECO, Third Evaluation Round, Cyprus, March 2016, [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2015\)21_Interim_Cyprus_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2015)21_Interim_Cyprus_EN.pdf)
2. European Commission Anti-corruption Report 2013 on Cyprus, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_cyprus_chapter_en.pdf.
3. No tangible progress on transparency in party funding, GRECO says, Cyprus Mail, 24.03.2016, <http://cyprus-mail.com/2016/03/24/no-tangible-progress-on-transparency-in-party-funding-greco-says>
4. CoE - GRECO, Fourth Evaluation Round, Cyprus, July 2016, [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep\(2016\)7_Cyprus_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep(2016)7_Cyprus_EN.pdf)

Hungary

Score 3

A 2013 amendment of the law on party financing shifted funds toward individual candidates and smaller parties, thus contributing to the record-high number of candidates in the 2014 parliamentary elections. The fact that their financial activities were monitored only after the campaign facilitated fraud. The legal framework for campaign financing has lacked any limits on private donations, and has not required a dedicated bank account for campaign purposes. As no regulations on third-party

campaigning have existed, parties have been able to circumvent existing restrictions on campaign spending by involving formally independent non-profit organizations. In the period under review, the financial gap between Fidesz and the opposition parties further widened. With membership declining, the latter have lost revenues from membership fees. Moreover, donations to the opposition parties have decreased because of the Orbán government's intimidation of the public. In the 2016 referendum campaign, however, private persons donated HUF 35 million to the joke party Two-tailed Dog Party to finance its anti-government billboards.

Malta

Score 3

Malta passed its first party financing law in July 2015, which requires that political parties should be subject to international standards of accounting and auditing; cannot accept donations from companies associated to the government; cannot accept donations from entities, foundations, trusts and nominees whose beneficiaries are unknown; donations in excess of €7,000 must be recorded online and reported to the Electoral Commission; and donations from individuals must be capped at €25,000. The effectiveness of this legislation has been challenged by a loan scheme launched in 2016 by the opposition party, which it claims allows it to keep the names of donors secret. Indeed the GRECO report had highlighted the Electoral Commission's lack of power in being unable to control other sources of income aside from donations. Other criticisms of the new legislation, include the appointment of an Electoral Commission regulated by the political parties and for not capping spending at €2 million.

Citation:

<http://www.timesofmalta.com/articles/view/20150721/local/pns-conditional-yes-to-party-funding-bill.577469>

http://www.maltatoday.com.mt/news/national/55315/party_financing_bill_passes_into_law_both_parties_vote_in_favour#.ViNkq34rKM8

Party Financing a lost opportunity Malta Today 23/07/2015

<http://www.timesofmalta.com/articles/view/20160917/local/pn-refusing-to-disclose-cedoli-scheme-donor-details.625240>

<http://www.timesofmalta.com/articles/view/20160911/local/cedoli-make-3m-as-pn-prepares-for-an-election.624637>
tvm.com.mt 09/12/15 Malta off GRECO blacklist thanks to legislation on party financing

Switzerland

Score 1

Switzerland does not finance parties with public money on the federal level. In return, there are no constraints applied to party fundraising. There is some financing of parties on the cantonal level in Geneva and Fribourg.

National parties won recognition only in the constitutional revision of 1999 and there remains a deep-seated aversion to public financing. In consequence, there is little to no public scrutiny of party activities, since no public money is at stake. However, a considerable portion of political parties' revenues comes from the subsidies given to

party factions in the national parliament or through reimbursement for services; these together amount in some cases to 30% of total party income. Another important source of income is the attendance fee granted to members of parliament, which can be considered a form of party financing.

Since 2011, the Council of Europe's Group of States Against Corruption (GRECO) has argued that Switzerland's system of party donations lacks transparency. The attempt by Social Democratic Minister of Justice Simonetta Sommaruga to draft a law on political party financing failed due to political opposition. The government has insisted on maintaining the current rules.

Indicator

Popular Decision-Making

Question

Do citizens have the opportunity to take binding political decisions when they want to do so?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Citizens have the effective opportunity to actively propose and take binding decisions on issues of importance to them through popular initiatives and referendums. The set of eligible issues is extensive, and includes national, regional, and local issues.
- 8-6 = Citizens have the effective opportunity to take binding decisions on issues of importance to them through either popular initiatives or referendums. The set of eligible issues covers at least two levels of government.
- 5-3 = Citizens have the effective opportunity to vote on issues of importance to them through a legally binding measure. The set of eligible issues is limited to one level of government.
- 2-1 = Citizens have no effective opportunity to vote on issues of importance to them through a legally binding measure.

Switzerland

Score 10

Switzerland uses forms of direct democracy to a larger extent than does any other mature democracy. Direct-democratic practices are intensively employed on all levels, from the local to the national. On the local and state (cantonal) levels, rules and practices vary considerably by region. This mode of decision-making has many advantages, particularly if it is institutionally and culturally embedded in such a way as to hinder the development of a tyranny of the majority and populist mobilization. In particular, the system is connected with a high level of satisfaction, creating strong citizen identification with the political system and offering many incentives for politicians to behave in a consensual way.

However, along with these laudable characteristics, there are some qualifications and criticisms that should not be overlooked:

- It is not true that citizens in a direct democracy are necessarily better informed or politically more interested than those of representative democracies at the same level of economic and social development. Switzerland provides little evidence that direct democracy educates citizens to be better democrats.
- About 95% of all political decisions at the federal level are taken in parliament without subsequent direct-democratic decision-making. However, the most important and controversial issues are dealt with in public votes.
- Participation rates in direct-democratic votes are usually very low (typically

between 40% and 50%) and socially biased. Well-to-do citizens participate at disproportionate levels.

- Voting is frequently driven by cue-taking, rather than by well-informed individual decision-making. This is not to say that citizens are simply victims of slogans or propaganda; in most cases they distinguish between information of high and low reliability during campaigns.
- The most prominent instrument of Swiss direct democracy, the referendum, serves to impede reform and adaptation. It has a strong status-quo bias. One observer has argued that the referendum has the function of a conservative upper house.
- Direct democracy creates incentives for politicians to compromise. This is a unique component of the Swiss political system: the threat of direct-democratic voting is meant to foster compromise in the pre-parliamentary stage and in parliament.
- Particularly in the recent past, direct democracy has created potential conflicts with human rights and international treaties.
- Direct democracy has been successfully used for populist mobilization, in particular recently. A telling example is a February 2014 initiative which led to a new constitutional amendment capping migration. This amendment cannot be reconciled with Switzerland's bilateral agreement with the EU on the free movement of labor. Swiss citizens are in favor both of a cap on migration and continued good relations with the EU. While political elites promised voters that the EU would renegotiate the terms of this agreement, the EU stated from the beginning that it would not renegotiate. As a result, the government and parliament have had to muddle through by not implementing the constitutional amendment and endeavoring to undo some of the new rules through a future referendum.
- Frequently, popular initiatives approved by the people and the cantons are only partly implemented through parliamentary legislation.

Latvia

Score 8

Citizens have the legal right to propose and make binding decisions at the national level. The constitution makes provision both for popular initiatives and referendums. However, no instruments exist at the local level to support popular decision-making.

In 2011, following the president's invocation of the constitutional procedure for dissolution of parliament, his decision was voted upon in a referendum. Under this procedure, the parliament is dissolved if the act receives voters' approval, but the president resigns if the act does not receive voters' approval. In 2011, voters approved the dissolution of parliament and extraordinary elections were held in October 2011. This constitutional procedure had never before been used.

Three recent attempts have been made to bring a voter-initiated measure to referendum. In 2011, a referendum was initiated on the language of instruction in the school system, but failed to gather the necessary signatures during the second stage. In 2012, a referendum was held on designating Russian as an official state language alongside Latvian. Voters turned down this initiative in a vote of 24.88% in favor and 74.8% against. In 2012, an initial 10,000 signatures were gathered and submitted to the CVK for a referendum on granting automatic citizenship to non-citizens in Latvia. However, the CVK refused to initiate a second stage of the procedure, arguing that the initiative was unconstitutional. The CVK decision was referred to the supreme court, which sought clarification from the constitutional court on the issue of whether the CVK had the right to stop the referendum procedure. The constitutional court returned the issue to the supreme court, which in turn found in favor of the referendum's constitutionality.

In addition to referendums, the parliament approved a new political decision-making instrument in 2010 that allows citizens to put items on the parliamentary agenda, but does not afford citizens the right to make binding decisions. Thus, parliamentary procedure now allows for petitions that have gathered 10,000 signatures to move to the parliament for consideration. Under this new instrument, 25 proposals have been forwarded to parliament.

In 2012, changes were made to the legislation regulating referendums that required petitions to receive 30,000 initial signatures before triggering a referendums, followed by CVK engagement to gather further signatures totaling one-tenth of the electorate. As of 1 January 2015, a one-step procedure took force that eliminated CVK engagement in the signature-gathering phase, placing the responsibility for gathering the signatures of one-tenth of the electorate with the referendum initiators. These changes were adopted with the presumption that there would be an opportunity to gather signatures electronically; however, no simple, user-friendly mechanisms for electronic signature-gathering have yet been put into place. The new requirements are thus prohibitive for any new referendums.

Over the last 10 years, parliament has periodically considered introducing popular initiatives and referendums into the decision-making process at the local government level, but these initiatives have never been successful.

Citation:

1. Referendum on Russian as an Official State Language, Final results, Available at: <http://www.tn2012.cvk.lv/>, Last assessed: 17.05.2013
2. Collection of Signatures for Amendments to the Constitution of the Republic of Latvia, Report, Available at: <http://web.cvk.lv/pub/public/29952.html>, Last assessed: 17.05.2013
3. About the Voters' Initiated Draft Law "Amendments to the Citizenship Law," Report, Available at: <http://web.cvk.lv/pub/public/30436.html>, Last Assessed: 17.05.2013
4. Social Initiative Platform ManaBalss.lv, List of Signed Initiatives, Available at (in Latvian): <https://manabalss.lv/page/progress>, Last assessed: 03.11.2014

Lithuania

Score 8 Lithuanian citizens can propose policies and make binding decisions on issues of importance to them through referendums and petitions. Since the reestablishment of Lithuania's independence in 1990, there have been 12 referendums, although only five of these have been successful (including the 2004 referendum approving Lithuania's membership in the European Union and the 2012 consultative (advisory) referendum on the construction of a new nuclear power plant). The most recent referendum took place in June 2014, but failed due to low voter turnout. It was initiated by a group of citizens, and aimed both at restricting the sale of land to foreign citizens, and at reducing to 100,000 the number of signatures required to trigger a referendum. Today, to call a referendum, a total of 300,000 signatures of Lithuanian citizens having the right to vote must be collected within three months. For the referendum to be valid, more than one-half of all voters must participate. Citizens also have the right to propose a legislative initiative (by collecting 50,000 signatures within two months) that, if successful, must be addressed in parliament. Only two citizens' initiatives secured the necessary signatures to be debated during the 2012 to 2016 parliament. One initiative proposed to control alcohol consumption, while a second proposed a ban on electricity supplied from the new Belarus nuclear power plant in Lithuania. A right to petition also exists, giving individuals the ability to address the parliament's Petition Commission.

Slovakia

Score 8 The Slovak Constitution provides far-reaching possibilities for citizens to actively propose and take binding decisions on issues of importance to them through popular initiatives and referendums (articles 93 – 100). Referendums are obligatory in the case of the country entering or withdrawing from an alliance with other states (like the European Union). Furthermore, a referendum can be called for in the case of "other important issues of public interest" (Article 93.2); referendums on basic rights and liberties, taxes, levies, and the state budget are forbidden (Article 93.3). There are two ways to call a referendum: by a resolution of the National Council or on the basis of a petition signed by a minimum of 350,000 citizens. The results of referendums are binding, and the constitutional barriers for changing the decisions are high; only a three-fifths majority in the National Council can overrule a decision made by referendum, and can do so only after three years (Article 99.1). Likewise, no referendum on the same issue can be held until three years have passed (Article 99.2). Similar provisions exist at the local level. In the period under review, however, no referendum was held.

Slovenia

Score 8

Slovenia has a strong tradition of direct democracy. Until a constitutional amendment in May 2013, referendums on all issues could be called by parliament, the National Council (a body representing major interest groups) as well as by citizens themselves. As a result, many referendums were called, and in a number of cases controversial government initiatives were rejected. A May 2013 constitutional amendment, which was adopted by the legislature with an overwhelming majority, kept the relatively low threshold of signatures required for calling a referendum (40,000), but ruled out the calling of referendums by parliament and by the National Council. Moreover, the set of eligible issues was reduced so as to exclude the public budget, taxes, human rights and international agreements, the majority requirements for the validity of referendums were tightened and the period for which parliament is bound to the results of a referendum was reduced. As a result, the number of referendums has fallen. In the period under review, only one national referendum was initiated. In spring 2015, the movement “It’s about children!” started collecting signatures for a referendum on a controversial new law equalizing the rights of same-sex and opposite-sex couples and succeeded in collecting the necessary signatures in just four days. However, the National Assembly stopped the process of collecting signatures, with the ruling coalition and the two center-left opposition parties claiming that the initiative addressed human rights issues and was thus unconstitutional. The decision by the National Assembly was annulled by the Constitutional Court, so that the referendum on the amended Law on Marriage and Family Relations was held on 20 December 2015. Almost two-thirds of the participants voted against the law on same-sex marriage. While voter turnout was below 40%, the number of no votes exceeded the constitutional threshold, i.e., 20% of all registered voters, so that the government was forced to withdraw the law.

Citation:

Krašovec, A. (2015): The 2015 referendum in Slovenia, in: *East European Quarterly* 43(4), 303-312.

United States

Score 8

Popular decision-making mechanisms in the United States do not exist at the federal level, but are strong for some state and local governments. The federal government does not have any provision for citizen initiatives or referendums. Twenty-four of the 50 state governments and many local ones provide rules for some forms of direct democracy. Ballot measures provide citizens the opportunity to discuss and vote on policy issues at the local level and state level. In around 30 states, petitions can force special elections in which voters are asked to remove or retain a slate of local elected officials. In several states, a recall with sufficient signatures can launch a by-election for any reason. Some states or cities have adopted measures granting or restricting rights for the LGBTQ community, legalizing marijuana, imposing or removing limits on taxes, and other provisions.

Bulgaria

Score 7

There are several forms of direct democracy in Bulgaria, at both the local and national levels. The set of eligible issues is limited, as budgetary issues cannot be addressed in municipal or national referendums. At the national level, in addition, the structure of the Council of Ministers, and the personnel of the Council of Ministers, Supreme Judicial Council and Constitutional Court cannot be decided on the basis of referendums. Citizens' committees can address the National Assembly to call a referendum if they collect at least 200,000 signatures in favor of holding a referendum. If the number of signatures exceed 400,000, the Assembly is obliged to call a referendum. Parliament can, within certain limits set by the law, edit the questions posed. The outcome of referendums is binding only if voter turnout is higher than in the last general election.

In recent years there has been a sudden spurt of referendums, beginning with one in 2013 related to a nuclear power plant project, one in 2015 on providing for remote electronic voting, and one in 2016 (presented at the same time as the presidential election) on three issues related to the electoral code – the introduction of a majoritarian system for parliamentary elections, making voting compulsory, and reducing official party financing in the budget. The 2015 referendum did not register a sufficiently high turnout to oblige parliament to act other than to explicitly address the issue. The 2016 referendum turnout was also not strong enough to make the results obligatory for parliament, but by a very slim margin - 3.4 million votes compared to a threshold of 3.5. The 2016 referendum will put the three issues on the agenda of parliament. Moreover, the strong popular support for all demands will make it politically very difficult for members of parliament to ignore the referendum.

Requirements for local referendums are less stringent than for national, and 10% of voters with permanent residence in the municipality can make a binding proposal for a referendum. If more than 40% of voters with permanent residence participate, the local referendum is binding for the local government. Unlike in previous years, no local referendums took place in the period under review.

Canada

Score 7

On the federal level, there are few opportunities for Canadians to make binding decisions on matters of importance to them through popular initiatives or referenda; on this level, it is impossible to circumvent the elected representatives. On the provincial level, British Columbia remains the only jurisdiction in Canada with voter-initiated recall and referendum legislation. It is worth noting that the Royal Commission on Electoral Reform concluded in 1991 that “in Canada, the particular vulnerability of the prime minister and Cabinet ministers to the use and abuse of the

recall would make this instrument of direct democracy especially detrimental to our system of representative democracy.”

The issue of referenda is particularly relevant to the Liberal policy on electoral reform, in particular the campaign promise that the 2015 federal election would be the last based on the “first-past-the-post” system. The Conservative party argued that such a major change required the approval of the population via referendum, a view shared by a large part of the population. The Liberals believed that such a change does not require such approval since they campaigned on the issue and were elected.

Citation:

Royal Commission on Electoral Reform and Party Financing, *Reforming Electoral Democracy*, Minister of Supply and Services, 1991, p. 247.

Italy

Score 7

The right to promote referenda and citizens’ initiatives is enshrined in the constitution at the national level of government and is replicated in most of the regions by regional statutes. Referenda may be authorized also at municipal and provincial levels. Ordinary referenda, which can only abrogate existing laws or part of them, have taken place rather frequently at national level. In order to launch a referendum, the proposal must collect at least 500,000 signatures and the referendum is only valid if there is a turnout of at least 50%. Between 1974 and 2016, 67 referenda took place. There are some limited restrictions to the issues that can be submitted to a referendum.

Referenda have had a substantial impact at national level, including ending the use of nuclear energy following the Chernobyl disaster. In some cases, however, the effects of a successful referendum have been overturned by parliamentary laws which pay formal respect to the referendum results but have, in practice, reestablished in new forms some of the rules that had been abrogated.

Confirmative referenda may be promoted on constitutional reforms approved without a two-thirds parliamentary majority. The constitutional reform proposed by the Renzi government, which was approved by parliament in May 2016, but was not confirmed by the referendum in December 2016, sought to make it easier for a referendum to be approved if the proposal secured more than 800,000 signatures. While the old rule, requiring an absolute majority among the registered electorate, will still apply to referenda that secured only 500,000 signatures, the new reform sought to require a majority based on the number of voters in the last election.

Citizens can also promote legislative initiatives and in some regions and municipalities instruments of deliberative democracy (citizens’ juries, deliberative polling) are available, but these instruments do not have legally binding effects. At local and regional levels, popular decision-making is rarely used effectively.

Poland

Score 7

Polish law provides for various forms of direct democracy. On the local and regional level, a referendum is called when it is supported by 10% of the electorate. On the national level, referendums can be called only by the lower house of parliament (the Sejm), or the president. However, popular initiatives are also possible. A total of 100,000 voters can collectively submit a draft bill, which the Sejm then has to pass or reject. In September 2015, a referendum to introduce single-member districts, abolish the current system of party financing and settle tax law disputes in favor of tax payers failed due to the low participation rate of 7.8%, the lowest turnout at a referendum since 1989. Also in September 2015, the Senate declined to approve referendums that would have returned the school entry age to seven, lowered the retirement age and prohibited the privatization of national forests, as suggested by the PiS and the incoming president Andrzej Duda. Since the 2015 elections, no national referendums have been held. However, various groups have used popular initiatives to submit draft bills to the Sejm. The bill on the abortion law was again introduced on the initiative of a pro-life association. The Committee for the Defense of Democracy (KOD) introduced a bill to protect the constitutional court from governmental interference. PiS party leader Jarosław Kaczyński wants to change the constitution in order to allow the president to call a referendum in case he has political reservations against a bill.

Sweden

Score 7

Citizen initiatives for national referendums are rare but they do happen. Such initiatives have occurred on several occasions at the local level concerning a wide variety of issues, for instance a referendum on poll taxes (for automobiles; “trängselskatt”) in the city of Gothenburg.

Outcomes of referendums are never binding in Sweden. However, it is customary that all parties commit themselves to obeying the outcome of the referendum. In constitutional terms, no referendum can be legally binding.

Citation:

For an overview over national as well as local referendums cf. http://www.val.se/det_svenska_valsystemet/folkomrostningar/index.html.

Croatia

Score 6

While the law provides for some forms of popular decision-making, there is no strong tradition of organizing and holding referenda in Croatia. The Sabor, the Croatian parliament, can call a national referendum if it is proposed by at least 10% of the electorate. In the past, the Sabor has refused to do so even in cases of high-

profile initiatives by war veterans (2000) and trade unions (2010). Local referenda have also been rare; only a few have ever taken place. However, the success of the referendum on the constitutional definition of marriage in early December 2013 ushered in a wave of initiatives in 2014 and 2015. In the period under review, however, there were no initiatives for referenda at the national nor local level. The Milanović government attempted to reduce the legal barriers to referenda in 2014, but eventually failed to send the proposed amendments (to a 2000 law on referenda) to parliament for a second reading before the 2015 elections.

Citation:

Butković, H. (2017): The Rise of Direct Democracy in Croatia: Balancing or Challenging Parliamentary Representation?, in: *Croatian International Relations Review* (77): 39-80.

Finland

Score 6

In 1987 government incorporated referendums into the Finnish constitution. The provision, laid down in the Law of Procedures in Advisory Referendums, enable advisory referendums to be called by parliament by means of special laws that specify the date of voting and establish the alternatives to be presented to the voters. There are no minimum participation rates or required vote majorities specified. Since that time, only a single national referendum has taken place, in 1994. This addressed Finland's entry into the EU.

While this mechanism does not enable direct citizen participation in public policymaking, a constitutional amendment in 2012 introduced a popular-initiative system. This system requires parliament to consider any petition that receives 50,000 signatures or more within six months. However, citizens do not themselves have the opportunity to vote on the initiative issues, as the right of decision and agenda-setting remains with parliament. The first initiative to receive enough signatories to be submitted to parliament was on a prohibition of fur farming, and was subsequently rejected. A later initiative concerning same-sex marriage also received a sufficient amount of signatories, and was accepted by parliament after a heated debate. In 2016, an initiative concerning the indexation of pension benefits in payment was debated prominently and controversially in the media and public. As of the time of writing, 14 initiatives were to be considered by the parliament. The Ministry of Justice maintains an online platform for citizens' initiatives.

The Finnish system also allows for citizen-initiated municipal referendums. However, municipal authorities determine how such referendums are conducted and results are non-binding.

Citation:

Dag Anckar, "Finland", in Bruno Kaufmann and M. D. Waters, eds. *Direct Democracy in Europe*. Durham, N. C.: Carolina Academic Press, 2004.

Online platform for citizen initiatives; <https://www.kansalaisaloite.fi/fi>

Germany

Score 6

In Germany, referenda are of importance on the municipal and state levels. At the federal level, referenda are exclusively reserved for constitutional (Basic Law, Art. 146) and territorial issues. On the municipal and state levels, voter initiatives have grown in use since German unification, with their increasing frequency bolstered by legal changes and growing voter awareness. However, discussions about introducing referenda on the federal level are ongoing and intensifying.

By the end of 2015, 6,958 direct democratic procedures had been recorded in German municipalities, 3,491 of which led to a referendum. Approximately 300 procedures are processed per year. City-states (i.e., Berlin and Hamburg), North Rhine-Westphalia and Bavaria have disproportionately high numbers of direct democratic procedures (Mehr Demokratie 2016). In 2015, 348 direct democratic procedures took place, a moderate increase compared to 2013 and 2014.

In some states (e.g., Baden-Wuerttemberg, North Rhine-Westphalia, Rhineland-Palatinate), the government or parliament can, under certain conditions, call a referendum with the power to confirm or overturn a decision by the legislature. In 2014, five state-level citizenship initiatives were initiated. Of these five, the Berlin citizen initiative, concerning the future use of Tempelhof Field (a former airport that is now a public park), was the only successful initiative in its original form (Mehr Demokratie 2015). No new initiatives were observed in the period under review.

Citation:

https://www.mehr-demokratie.de/fileadmin/pdf/2016-06-16_BB-Bericht2016.pdfMehr

Demokratie (2015): Volksbegehrensbericht 2015. Available online:

http://www.mehr-demokratie.de/fileadmin/pdf/volksbegehrensbericht_2015.pdf

Demokratie (2016): Bürgerbegehren. Available online:

<http://www.mehr-demokratie.de/fileadmin/pdf/bb-bericht2014.pdf>.

Luxembourg

Score 6

Since 1919, the constitution allowed referendums (Article 51, Paragraph 7). A modification of the constitutional article introduced the possibility to use a referendum for revising the constitution (Article 114). Direct democracy in the form of referendums is possible, but is not a prominent characteristic of the Luxembourg political system. A 2005 law outlined the steps needed for a referendum to be held at national level. The procedure can be initiated either by a parliamentary act or by popular initiative. In this case, 25,000 citizens of Luxembourg demanded a referendum. Since Luxembourg is a small country, this threshold is significant and may explain why only five referendums have taken place since 1919. All referendums resulted from parliamentary or governmental initiatives, including the one in 2005 that sought approval for the EU constitutional treaty.

The first consultative referendum took place on 7 June 2015. In this referendum, all three reform proposals were rejected by very large majorities. The result clearly showed popular discontentment with the government. The reasons are diverse and can be summarized as follows: Although the government had dedicated itself to facilitating more active citizen participation, as it took power in December 2013, the referendum did not secure a high voter turnout. Despite previous announcements of the referendum's contents, the issue dealing with the separation of church and state was withdrawn. In general, there was insufficient information and public discussion about the referendum's contents, and government communication was poor. Ultimately, the government did not exert itself broadly enough to win the support of the voters.

The Local Government Act of 1988 (Article 35) addresses the issue of referendums at the municipal level. One-fifth of registered electors need to ask for a referendum; however, local referendums are not binding. The practice is used mostly as a consultative tool which could explain why it is not utilized more frequently. Over the past few years, however, it was used several times to ask citizens of municipalities whether they wanted to merge with another municipality or not.

Each member of parliament (MP) represents an average of just 10,000 citizens; which means citizens have relatively easy access to legislators. The country's territorial breakdown produces small units (there are 105 communes/ municipalities), which all claim to be in direct contact with citizens. On the other hand, Luxembourg is flooded with citizen initiatives, an informal way to impose views on the political establishment, especially regarding environmental issues.

Citizen participation increased due to a new process of online petitions. Online petitions with at least 4,500 signatures must be forwarded to the parliament's petitions commission, as well as to a parliamentary commission for further debates. In the parliamentary year 2015 to 2016, 160 petitions were submitted of which 13 petitions obtained the required number of signatures.

Citation:

"Mémorial A n° 163 de 2013." Journal officiel du Grand-Duché de Luxembourg, 9 Sept. 2013, legilux.public.lu/eli/etat/leg/memorial/2013/163#page=2. Accessed 21 Feb. 2017.

"Mémorial A n° 167 de 2013." Journal officiel du Grand-Duché de Luxembourg, 12 Sept. 2013, legilux.public.lu/eli/etat/leg/memorial/2013/167. Accessed 21 Feb. 2017.

"Mémorial A n° 27 de 2005." Journal officiel du Grand-Duché de Luxembourg, 3 Mar. 2005, legilux.public.lu/eli/etat/leg/memorial/2005/27. Accessed 21 Feb. 2017.

Thill, Marc. "Zehn Dinge, die bei diesem Referendum falsch gemacht wurden." Luxemburger Wort, 8 June 2015, www.wort.lu/de/politik/analyse-zehn-dinge-die-bei-diesem-referendum-falsch-gemacht-wurden-5574ba980c88b46a8ce5ad75. Accessed 21 Feb. 2017.

Australia

Score 5

Citizens do not have the legal right to propose and take binding decisions on matters of importance to them at any level of government. Since the establishment of the Federation in 1901, citizens have voted on specific issues 44 times, with eight of those succeeding, but they cannot initiate the process. Nevertheless, some of these referendums have covered important issues, such as the 1967 referendum on the status of indigenous people in Australian society. However, no referendum has succeeded since 1977. National referendums are mandatory in case of parliament-proposed changes to the constitution. Constitutional amendments have to be approved in a referendum and the result is binding. In addition, states and territories also may hold referendums on issues other than constitutional amendments.

A Citizen Initiated Referendum Bill, which would have enabled the citizens of Australia to initiate legislation for the holding of a referendum to alter the constitution, was presented and read in the senate in 2013, but did not proceed and lapsed at the end of the 43rd Parliament in September 2013.

Citation:

http://www.aph.gov.au/~media/05%20About%20Parliament/54%20Parliamentary%20Depts/544%20Parliamentary%20Library/Handbook/43rd_PH_Part5.ashx
 Williams, George/Hume, David, 2012, People Power: The History and Future of the Referendum in Australia
 Citizen Initiated Referendum Bill 2013, No. , 2013 (Senator Madigan), A Bill for an act to enable the citizens of Australia to initiate legislation for the holding of a referendum in relation to altering the Constitution, and for related purposes, <http://www.restoreaustralia.org.au/petition-ups/CIR%20Bill.pdf>
 Australian Election Commission, Referendum dates and results, http://www.aec.gov.au/Elections/referendums/Referendum_Dates_and_Results.htm

Austria

Score 5

Plebiscites (referendums) are obligatory and binding when the matter affects significant constitutional issues. This has been the case only once, in 1994, when Austria had to ratify the treaty of accession to the European Union. Plebiscites are possible (and binding) if a majority of the National Council (the lower house of the two-chamber parliament) votes to delegate the final decision on a proposed law to the voters. This also happened only once, in 1978, when the future of nuclear power in Austria was decided by referendum. There is also the possibility of a non-binding consultational referendum. Thus, in 2013, a non-binding referendum was organized concerning the military draft system. The governing parties and parliament treated the decision – in favor of keeping the existing universal draft – as binding. The small number of direct-democratic decisions made in the past are the consequence of a constitutional obstacle: Except for the case of the obligatory plebiscites, it is the ruling majority that ultimately allows referendums to take place, and therefore controls access to direct-democratic decision-making.

Citizen initiatives are proposals backed by a qualified minority of voters (a minimum of 100,000 individuals, or one-sixth of the voters in at least three of the country's nine provinces). These initiatives are not binding for parliament, which has only the obligation to debate the proposals. Most citizen initiatives have not succeeded in becoming law.

Reformers have argued that the use of plebiscites should be expanded, possibly by allowing citizen initiatives with very strong support (e.g., backed at least by 300,000 voters) to go to the ballot in the form of a referendum in cases of parliament's refusal to make the proposal law. This seemingly endless reform will continue into the future and reflects the erosion of trust in the established party system.

Czech Republic

Score 5

In the Czech Republic, there is no legal framework for referendums at the national level. On the municipal and regional level, referendums exist and are held on issues such as mining, the construction of nuclear fuel/waste plants, stricter regulations on lotteries and gaming, and the use of public space and municipal property. Initially, a minimum participation of at least 25% of registered voters was stipulated (298/1992 Col.), which was later increased to 50% (22/2004 Col.) and finally was settled at 35% of registered voters (169/2008 Col.) being required to ensure the validity of a referendum. In the period under review, no regional referendum took place. However, ten local referendums were held together with the regional elections in October 2016. The most prominent of referendum took place in Brno, the second largest Czech city. A broad majority of voters rejected the planned change to the location of the central train station and supported the search for a new architectural solution. However, as only 23.83% of eligible voters (73,156 from 306,981) participated, the results of the referendum have not been binding.

Hungary

Score 5

The 2011 constitution has limited the scope for popular decision-making by abolishing popular initiatives, expanding the set of issues exempt from referendums and raising the thresholds for referendum success to a 50% participation threshold. For the weak and fragmented opposition, referendums could have become the most important means of mobilizing support and expressing dissent. However, their initiatives have been refused by the government-controlled National Election Committee (NVB), which enjoys considerable discretion in deciding whether the issues are eligible for a referendum or not. For instance, high-profile issues such as the unpopular government proposal for the 2024 Olympic games could not become a topic for referendum. Moreover, if somebody initiates a referendum, the NVB blocks all other initiatives on the same issue for several months, so there have been many

fake proposals from the pro-government circle to eliminate the opposition proposals on similar topics. When in February 2016 thugs with contacts to a leading Fidesz member physically hindered an opposition activist from submitting a referendum proposal, NVB officials did not call the police and the Prosecutor General refrained from initiating a legal process. As a result of the obstruction by the NVB, the only referendum since 2010 has been the 2016 anti-refugee referendum.

Citation:

Obordo, R. (2016): 'The question was stupid': Hungarians on the refugee referendum, in: The Guardian, October 4 (<https://www.theguardian.com/world/2016/oct/04/the-question-was-stupid-hungarians-on-the-refugee-referendum>).

Iceland

Score 5

According to Article 26 of the 1944 Icelandic constitution, “If the Althing has passed a bill, it shall be submitted to the president of the republic for confirmation not later than two weeks after it has been passed. Such confirmation gives it the force of law. If the president rejects a bill, it shall nevertheless become valid but shall, as soon as circumstances permit, be submitted to a vote by secret ballot of all those eligible to vote, for approval or rejection. The law shall become void if rejected, but otherwise retains its force.” In the 72-year history of the Republic of Iceland, this paragraph has twice led to a nationwide referendum.

In 2012, an advisory national referendum was called by parliament. The referendum asked voters six questions, including whether they approved a draft constitution submitted by the Constitutional Council to parliament for ratification. Two-thirds of the voters approved the Constitutional Council’s draft constitution as a whole. In addition, 73% voted in favor of introducing a stipulation enabling the electorate to demand a national referendum, if a proposal attracts the support of 10% of the electorate. This reform would mean that national referendums would no longer remain a discretionary power of the president alone. However, the parliament is yet to ratify the draft constitution. In February 2016, a Constitutional Committee appointed by the parliament presented three bills on changes to the constitution. One of these bills concerns national referendums and what share of the electorate is needed to realize such referendums. In the bill, the minimum of 10% earlier suggested was raised to 15%. The three bills were not discussed in parliament before it adjourned before the October 2016 election.

A law on local government affairs was passed by parliament in September 2011. This law contained a new chapter called Consultancy with Citizens (Samráð við íbúa), which includes paragraphs on local referendums and citizen initiatives. Under its terms, if at least 20% of the population eligible to vote in a municipality demand a referendum, the local authorities are obliged to hold a referendum within a year. However, local councils can decide to increase this threshold to 33% of eligible voters. At the local level, therefore, steps have been taken to improve the opportunity for citizen impact between elections.

Citation:

Constitution of the Republic of Iceland No. 33, 17 June 1944.

<http://thjodaratkvaedi.is/2010>

<http://stjornlagarad.is/english/>

Sveitarstjórnarlög nr. 138 28. september 2011

Gylfason, Thorvaldur (2013), "From collapse to constitution: The case of Iceland," in *Public Debt, Global Governance and Economic Dynamism*, ed. Luigi Paganetto, Springer.

Ireland

Score 5

The first Constitution of the Irish Free State in 1922 provided powers of "initiative" and "referendum" to the Irish people. However, the first government removed these rights and they were never exercised.

While Article 6 of the constitution introduced in 1937 states that: "All powers of government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate all the rulers of the state and, in the final appeal, to decide all questions of national policy, according to the requirements of the common good," it contains no provisions for direct initiatives or referendums. The main constitutional provision for referendums refers to proposed amendments to the constitution. The constitution also provides for a referendum on a proposal other than a proposal to amend the constitution (referred to in law as an "ordinary referendum") but the initiative for such a referendum resides with the parliament. No "ordinary referendum" has been held in the state to date.

Direct Democracy Ireland, a political party, wants to replace representative democracy with participatory democracy in Ireland and to allow citizens to petition for a referendum on any issue by collecting a certain number of signatures. It obtained only 1.5% of the votes cast in the 2014 European Parliament election.

The constitutional convention discussed the question of popular initiatives and referendums, but did not make a recommendation on the issue.

Citation:

The Department of the Environment, Community and Local Government, *The Referendum in Ireland*, July 2012, available at

<http://www.environ.ie/en/LocalGovernment/Voting/PublicationsDocuments/FileDownload,1893,en.pdf>

The Constitutional Convention's concluding commentary is available here:

<https://www.constitution.ie/AttachmentDownload.ashx?mid=64bbfa68-89b9-e311-a7ce-005056a32ee4>

New Zealand

Score 5

New Zealand belongs to a small group of countries (the others being Italy and Switzerland) where citizens have the right to propose a national referendum. In addition, referendums are regularly initiated and are an important part of domestic politics. However, these citizens' initiated referendums (CIRs) are legally non-binding.

CIRs were first introduced in 1993, the year the government held its own binding referendum on the reform of the electoral system. While a total of 46 CIR petitions have been launched to date, only five have come to a vote, with other proposals either failing to meet the signature target (10% of registered voters within 12 months) or having lapsed.

All five referendums secured majority support, but were subsequently rejected by the government in office at the time. Whereas CIR supporters contend that the “will of the majority” is being ignored, a consensus exists among leaders of the major political parties that the non-binding provision in CIRs should be retained. Most CIRs are initiated by individuals or small groups. In marked contrast, a petition on the political agenda against the further privatization of state assets was sponsored by the Green, Labour and New Zealand First parties. While the petition exceeded the required number of signatures, it was overtaken by events, with the sale of shares in the first of the designated state assets taking place before the date of the referendum had been determined. From its perspective, the National government argued that its 47.3% share of the vote at the previous election (compared with Labour’s 27.5%) gave it a mandate to proceed, especially since the government’s intentions had been made explicit well in advance of the election.

Citation:

Citizens Initiated Referenda Act 1993 (Wellington: The Government of New Zealand 2012).

<http://www.justice.govt.nz/publications/publications-archived/2001/the-citizen-initiated-referenda-act-1993/publication> (accessed October 8, 2014).

Information by the Electoral Commission.

South Korea

Score 5

Citizen referendums can be conducted at the local and provincial levels, and require support of at least 5% to 20% of voters to be called, and a turnout of at least 33% to be valid. Results are not legally binding. To date there have been six referendums. At the national level, only the president can call a referendum (Article 72 of the constitution). Since 2006, there have been several binding recall votes at the local level. However, the rate of success is very low. Recently, citizens of Gyeongsang province sought to recall provincial Governor Hong Joon-pyo for ending a free school meal program and shutting down the Jinju Medical Center in 2015. Recalling a governor requires the signatures of some 267,000 residents, or 10% of eligible voters in the province. In this case, the effort turned out to be 8,000 signatures short. Many observers have criticized the provisions of the recall law, noting that only two of 81 recall attempts have been successful since 2007.

Citation:

NEC, <http://www.nec.go.kr/engvote/overview/residents.jsp>

“Fail on recall Governor Hong caused by the institution,” Oh My News October 28, 2016 (in Korean) http://www.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0002255460

Denmark

Score 4

According to the constitution, one-third of the members of the Folketing can request that an adopted bill be sent to a referendum. A majority of those voting, representing not less than 30% of the electorate, can reject the bill. There are some bills that are exempt from referendums, including those on finance, appropriation, civil servants, salaries and pensions, naturalization, expropriation, and taxation.

The constitution allows for the delegation of powers to international authorities provided such a move is supported by a five-sixth majority in the parliament. If there is an ordinary majority in the parliament, but less than five-sixth, the bill must be submitted to the electorate. For rejection, a majority of voters, representing at least 30% of the electorate, must reject the measure.

According to constitution, the change of the age qualification for suffrage also requires a referendum. There have been five referendums about the voting age since the current constitution was adopted in 1953, the latest in 1978, when the current voting age of 18 was adopted.

A change in the constitution itself requires confirmation by a referendum. First, such an amendment must be passed by two parliaments with an election in between. Then it must be confirmed by a majority of the voters representing at least 40% of the electorate. This very stringent procedure makes it difficult to change the constitution.

The use of referendums in Denmark is mostly for EU-related decisions. Referendums were used for membership in the European Communities in 1972, and subsequently for many treaty reforms: the Single European Act, the Maastricht Treaty (which required two referendums to be adopted) and the Amsterdam Treaty. There was also a referendum in 2000 about Denmark joining the euro, but it did not get approval from voters. A referendum on Justice and Home Affairs (JHA) cooperation within the EU took place in December 2015 with a majority voting “no.” Since that referendum creates problems for Danish membership of Europol there is now debate about a new referendum limited to the question of Europol membership.

The use of referendums is controversial. Many ask whether voters really know what they vote for, if it becomes a confidence vote on the government or the current state of the national economy.

There are no provisions in the Danish constitution for popular initiatives; Denmark remains a representative democracy. Likewise, there are no provisions in the constitution for regional or communal referendums; such referendums can only be consultative.

Citation:

The Danish Constitutional Act of June 5, 1953, <http://www.eu-oplysningen.dk/upload/application/pdf/0172b719/Constitution%20of%20Denmark.pdf> (accessed 26 April 2013).

Peter Germer, *Statsforfatningsret*. 5. udgave. Copenhagen: Jurist- og Økonomforbundets Forlag, 2012.

Palle Svensson, "Denmark: the Referendum as Minority Protection," <http://www.folkestyre.dk/english/White%20Papers/SVENSSON1.htm> (accessed 26 April 2013).

Finn Laursen, "Denmark and the Ratification of the Lisbon Treaty: How a Referendum was Avoided," in Finn Laursen, ed., *The Making of the Lisbon Treaty: The Role of Member States*. Brussels: P.I.E. Peter Lang, 2012, pp. 237-258.

France

Score 4

The Fifth Republic (since 1958) reintroduced the referendum, not only for the ratification of the constitution but as an instrument of government. President Charles de Gaulle used referendums to seek support for decolonization and to revise the constitution, and in doing so, bypassed parliamentary opposition. In 1969, de Gaulle became essentially a victim of the referendum, as he had declared that he would resign should a referendum on regionalization fail. Since then, the referendum has been used less frequently. The use of referendums at the request and for the benefit of the executive is a risky enterprise. All referendums since 1962 have been characterized either by indifference and high levels of abstentions or by outright rejection, as in 2005 on the European Constitutional Treaty. Only once, on the vote over the Maastricht Treaty in 1992, was the executive able to secure a small, albeit fragile, majority.

As only the president may call a referendum, the practice is perceived as an instrument of the executive and not as a real democratic tool, since popular initiatives are not possible under the referendum system.

Local referendums can be organized in the case of a merger of communes or for local issues at a mayor's initiative. Very few have taken place, however, and the outcomes have been disappointing, as abstention is usually high and the results are often contrary to expectations. In June 2016, a local referendum was organized by the Valls government in order to validate the construction of an airport in the western part of France. The investment was approved but failed to foster a sense of legitimation among the population. The experience of referendums in France is perceived by the public as not really democratic and an instrument of manipulation by those in charge. The temptation thus is to vote "no" regardless of the question.

Netherlands

Score 4

Binding popular initiatives and referendums are unlawful both nationally and subnationally, as they are considered to be incompatible with the representative system in which voters transfer their sovereignty to their elected representatives.

At the municipal level, many experimental referendum ordinances have been approved since the 1990s, but the national government has prohibited several ordinances that it alleged gave citizens too much binding influence on either the political agenda or the outcome of political decision-making. In 2016, a large number of municipal government mayors, aldermen, councilors, scientists and businessmen initiated “Code Orange” for “civocracy,” which aims to involve citizens more in local governance through “citizen pacts” (“burgerakkoord”). The citizen pacts will replace and/or complement the traditional “coalition pacts” between local political parties, which form the political basis for current policymaking. The idea is that in the 2018 elections experiments in more participatory and deliberate local democracy will be legally possible.

At national level, the issue has been on the political agenda since the 1980s. Under pressure from new populist political parties, the Dutch government organized a consultative referendum on the new European Constitution in 2005, using an ad hoc temporary law. With turnout of 63.3% of the eligible electorate, this constitution was rejected by a clear majority of 61.5%, sending shockwaves through all EU member states and institutions.

In September 2014, a bill for an advisory referendum on laws and treaties passed the Senate and was implemented on 1 July 2015. Adopted by parliament, signed by ministers and the monarch, this measure allowed for a non-binding referendum on the issue, which involved the mobilization of a minimum of 10,000 votes within a period of four weeks. Following this, another 300,000 citizens signed up to support the initial request within a further six weeks. Geen Peil, an ad hoc anti-EU organization, successfully mobilized enough votes for an advisory referendum on the provisional EU association treaty with Ukraine, which was signed by the Dutch government. With a 32.3% voter turnout the no-vote (61%) was valid, and the government has since unsuccessfully tried to renegotiate the deal at EU level. The unpleasant referendum campaign and its contested outcome will probably reopen the political debate about the desirability of (consultative and binding) referendums in the Netherlands.

Citation:

Verhulst, J. and A. Nijeboer, 2007. *Directe Democratie. Feiten, argumenten en ervaringen omtrent het referendum*, Democracy International, Brussels, pp. 86-90

Referendum Platform, Dossier Raadgevend Referendum, www.referendum/platform.nl/index.php?action=printpage&item=1411, consulted 5 November, 2014.

NOS, Nee-stem in Oekraïne-referendum blijft zonder gevolgen, 2 October 2016 (nog.nl, consulted 9 November 2016)

VNG, Code Oranje voor verandering politieke democratie, 26 October 2016 (eng.nl, consulted 9 November 2016)

Additional reference:

R.B. Andeweg and G.A. Irwin (2014). *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

Romania

Score 4 According to the Romanian constitution, national referendums are required automatically for any revision to the constitution (as happened in 1991 and 2003) and following the impeachment of the president (as in 2007 and 2012). In addition, the president can (after consultation with parliament) call for referendums on matters of national interest, as in the case of the 2007 electoral-system referendum and the 2009 referendum on parliamentary reform. For referendum results to be legally binding, turnout needs to be above a certain threshold, which was lowered from 50% to 30% by a law passed in May 2013. At the national level, citizens do not have the general right to initiate a referendum. However, if more than 500,000 citizens support a change in the constitution, parliament can approve a revision, which then must pass a nationwide referendum. At the county level, citizens can initiate referendums. However, such initiatives are subject to approval by the County Council and have remained rare.

In the period under review, the initiative to make the definition of marriage enshrined in the constitution more restrictive, launched in December 2015 by the conservative Coalition for Family and supported by the Romanian Orthodox Church, has sparked a controversy about LGBT rights. Within a month, the petition gathered 825,000 signatures, thus easily achieving the legal threshold. Over time, the number of signatures, many of them collected in churches, rose to three million. Parliament delayed the decision on the issue until May 2017.

Spain

Score 4 Two modes of popular decision-making (apart from representative elections) enable Spain's citizens to express their political opinions on key issues directly. The first mode is the popular legislative initiative (*iniciativa legislativa popular*), which enables the public to put a measure in front of the legislature. However, this is limited due to the high number of signatures required, as well as other political and legal obstacles such the fact that initiatives are not allowed on matters concerning fundamental rights, the state's institutional structure, taxation, international affairs or the prerogative of pardon. Historically, even when the 500,000-signature threshold has been reached, the huge majority of those initiatives have been dismissed by the Board of the Congress of Deputies. All proposals awaiting approval in 2015 were either rejected or expired at the end of the year. The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only three national referendums since democratization (the latest one to ratify the failed EU Constitutional Treaty in 2005). In addition to this, some referendums to approve or reform the Statutes of Autonomy have taken place in regions with devolved powers. Since 2012, a very lively debate has been unfurling in Catalonia

and the rest of Spain on the legal right to hold a secession referendum similar to that held in Scotland in 2014. Finally, at the local level, consultative (i.e., non-binding) referendums are held more often, but even these relatively uncommon, and prior authorization must be obtained from the central and regional governments. Other recent subnational open-government initiatives (such as “Decide Madrid” or “Irekia” in the Basque Country) also represent interesting direct-communication channels between the public and the various levels of the government administration.

Citation:

Decide Madrid:

<https://decide.madrid.es/?locale=en>

Irekia:

www.irekia.euskadi.eus/en

United Kingdom

Score 4

It may seem a strange thing to say in 2016, but referendums play little role in UK governance. They are rarely called in the UK, although they have been used in a handful of cases in recent years. Referendums also only follow a government decision, rather than a citizen initiative. In addition, they are always the result of a specific legislative initiative, not a routine process. The legal foundations for calling a referendum and binding the government to its outcome are weak, as the results are not legally binding. Though the outcome of the Brexit vote shows that they can become politically decisive and may lead to major changes in the UK’s political system. Despite their lack of constitutional standing, referendums in the UK have a *de facto* influence on policy decisions, but this is rather *ad hoc*. The consultation announced on a second referendum on Scottish independence could result in a fresh test of direct democracy.

Referendums are often more a part of politics and agenda setting than a structural part of the UK’s policymaking process. The central government may use a referendum to unite the population behind a controversial position and by that silence their critics for good. Tony Blair’s devolution referendums in 1997 and 1998 or David Cameron’s referendum to keep the traditional “first past the post” voting system in 2011 are good examples, as was the 1975 referendum which was used by then Prime Minister Wilson to counter opponents of the EU in his party. By contrast, in the 2016 referendum, a majority of voters declared their wish to leave the European Union against the advice of the leaders of the mainstream political parties, although several leading figures in these parties, in and out of government, opposed their party lines.

Citizens can, via an online petition, call for a parliamentary debate on any topic. A recent high-profile example called for Donald Trump to be banned from entering the UK. However, the House of Commons is not obliged to agree and even such high-profile proposals can be ignored.

Belgium

Score 3 Referendums are illegal in Belgium. The main rationale is to avoid a “tyranny of the majority,” given the fragmentation between Flemish speakers (a majority at the national level), German speakers (the smallest group at the national level), and French speakers (about 40% of the national population, but a majority in the Brussels region).

Some popular initiatives are tolerated, but will only be considered as a suggestion by the authorities. At the local level, “popular consultations” can be organized, but these are largely controlled by local authorities and are rare.

More focused public consultations, however, are organized on a regular basis for city planning decisions, building permits and similar issues. Again, public input is not binding, but nonetheless an important component of decision-making. At the regional level, there is an increasing political interest in various participatory processes, but not in terms of binding decisions. For example, in 2016 the Walloon Parliament discussed the possibility of establishing parliamentary committees partly composed of randomly selected citizens.

The complex institutional architecture of Belgium also means that approval is sometimes needed at the local, regional, and federal levels for a project to proceed. This gives rise to lots of not-in-my-backyard (NIMBY) lobbying of the kind that has delayed the creation of a train network around Brussels for decades and has blocked completion of the southern part of the Brussels motorway ring.

Chile

Score 3 The Chilean constitution is one of the most restrictive on the topic of direct democracy (e.g., referenda, plebiscites and citizens’ initiatives) in present-day Latin America. The last nationwide plebiscite was initiated by the government in 1989, albeit during a military dictatorship and in the midst of the agreement process on the transition to democracy. At the moment, the national government does not contemplate mechanisms for direct democracy, though they have been called for by various civil-society groups and movements. At the municipal level, the Organic Constitutional Law of Municipalities (2002) provides for popular consultations (i.e., plebiscites). These may be either top-down (at the initiative of a mayor, with the agreement of the council, or by the municipal council itself, with a two-thirds majority) or bottom-up (by a minimum of 10% of a municipality’s citizens). Thus, the opportunity to initiate referenda at the municipal level officially exists, but these referenda are not necessarily legally binding and may be ignored by the authorities.

Estonia

Score 3 According to the Estonian constitution, referendums can be initiated by the national parliament (Riigikogu); citizens do not have the power to initiate a referendum. Municipalities can organize referendums on local issues, but their outcomes are non-binding.

There is strong public support for the introduction of a binding referendum mechanism, and the issue is occasionally raised by opposition parties. However, no progress has been made toward this goal. Instead of referendums, a 2014 measure enables citizens to initiate amendments to existing laws, or propose new laws. To start the parliamentary proceedings of this kind, the proposal must be signed by at least 1000 people, must include an explanation why the current legal regulation is not satisfactory, and must describe what kind of amendments should be made. An online platform (rahvaalgatus.ee) is available through which citizens can initiate the process and collect signatures. At the time of writing, four initiatives made during 2016 had been taken up by the Riigikogu. So far, none of the popular initiatives have become law.

Malta

Score 3 The constitution of Malta allows for three types of referendums: constitutional, consultative and abrogative. None of these types however fulfill the criteria for popular decision-making defined by the SGI. However, Malta has had several consultative referendums, the most recent in 2011 on the introduction of divorce, and an abrogative referendum on the issue of spring hunting. In the latter case, the referendum was triggered by a citizens' initiative. Some local councils have also resorted to referenda, but while this may influence central government decisions, they are not binding.

Citation:

http://www.maltatoday.com.mt/lifestyle/environment/38168/spring_hunting_referendum_is_revolutionary#.ViNoVn4rKM8

The Constitution of Malta

<http://www.timesofmalta.com/articles/view/20140330/local/-Spring-hunting-in-dustbin-of-history-.512723>

<http://www.timesofmalta.com/articles/view/20140328/local/signatures-for-referendum-to-abolish-spring-hunting-presented-to.512579>

<http://www.timesofmalta.com/articles/view/20160710/letters/Perseverance-and-tenacity.618307>

<http://www.timesofmalta.com/articles/view/20160826/local/help-us-oppose-pas-firework-factory-plans-gharb-local-council.623151>

Mexico

Score 3 There are no provisions for legally binding referenda or popular initiatives in Mexico. Recently, the left-leaning opposition attempted to subject the government's

oil reforms to some kind of direct vote, but failed because there is no constitutional provision for such a vote. Citizens are therefore much more likely to influence public policy through demonstrations or the formal legal process.

Cyprus

Score 2

The constitution makes no provision for referendums, and does not grant citizens the right to make binding decisions. Law 206/1989 provides that the Council of Ministers can initiate such a procedure, and ask the House of Representatives to decide on whether a referendum should be held. Thus, citizens cannot initiate such a process. The Interior Ministry must call and organize the vote. The only general referendum held to date took place in April 2004, and was focused on a United Nations plan for settling the Cyprus problem. A special law (L.74(I)/2004), enabled members of the Greek Cypriot community to vote. In that case, the outcome was binding. Referendums are also held when local communities wish to become municipalities.

Citation:

1. Law on organizing referendums, L. 206/1989, available in Greek at, http://www.cylaw.org/nomoi/enop/non-ind/1989_1_206/full.html.
2. Law on holding a referendum for the Greek Cypriot Community, on 24 April 2004, L. 74(I)/2004, available in Greek at http://www.cylaw.org/nomoi/enop/non-ind/2004_1_74/index.html.

Greece

Score 2

In 2015, Greeks had an opportunity to vote on an issue of importance, but this was not an effective opportunity for popular decision-making, as the resolve to launch the referendum destabilized the economy and negatively affected the relations between Greece and its euro zone partners. On 5 July 2015, a referendum was held on the European Commission's second-to-last proposal of reforms for Greece. Prime Minister Tsipras rejected that list of reforms, launched the referendum and won it, with 61% of Greek voters agreeing with him and voted "no." A week later, however, Tsipras accepted a bailout package of €86 billion, under at least equally severe conditions dictated by the country's creditors, after capital controls had been imposed in Greece, the government had skipped a June 2015 payment it owed the IMF and the economy had become starved for cash. In other words, while Greek citizens were formally offered the opportunity to vote on a major issue in a binding manner, in practice the government granting that opportunity had either miscalculated the situation or simply did not intend to give citizens such an opportunity.

Citation:

The conduct of referendums in Greece is regulated by article 44 of the Constitution and Law 4023/2011.

Israel

Score 2

Israel's government and parliament have traditionally given little support to popular decision-making mechanisms. However, in March 2014 the Knesset approved a basic law on referenda. This law will apply in the event of an agreement or unilateral decision that involves withdrawal from certain geographical areas. This law has never been applied and one should realize that the use of referenda is limited to this particular issue.

Attempts at encouraging popular decision-making mechanisms tend to take the form either of (1) open information projects or websites addressing national interest investigation committees; or (2) special legal provisions allowing citizen appeals on issues such as urban planning and addressing parliamentary committees on issues that directly concern them. These sorts of initiatives, while important, reflect a top-down strategy for civil participation instead of encouraging independent initiative.

These initiatives, however, remained largely in the early stages. We were unable to find any meaningful ways through which Israeli citizens can affect the decision-making process directly (i.e., without media pressure, persuasion via lobbying firms or appeal to the courts). Something of the sort can, however, be found on the municipal level. A local community-administration structure has existed since the 1980s, which enables local residents of Jerusalem to take part voluntarily in political decision-making that affects their neighborhoods. These programs were created in an effort to develop local leadership and enhance citizens' political efficacy. However, observers question the real value of such initiatives.

Citation:

Altshuler-Shwartz, Tehila, "Open government policy in Israel in the digital age," Israel democracy institute, 2012. (Hebrew)

Gefen, Haaron, "The effect of institutionalizing participatory democracy on the level of sharing by public organization employees", Israel Democracy Institute, 2011 (Hebrew)

Karmon, Yoav "Re-inventing Israel's Democracy",

Vaksman, Efrat and Blander, Dana, "Models for sharing," Israel Democracy Institute website 2012 (Hebrew)

"Future recommendations", sharing: committee for social and economical transformation website. (Hebrew)

"Sharing on governmental issues", Israeli government website (Hebrew)

Japan

Score 2

Politically binding popular decision-making does not exist in Japan, at least in a strict sense. At the local and prefectural levels, referendums are regulated by the Local Autonomy Law. They can be called if 2% of the voting population demands them. However, the local or prefectural assembly can refuse referendum demands and if the referendum does take place, the local or prefectural government is not bound by it.

At the national level, a so-called National Referendum Law took effect in 2010. This was initiated by the LDP-led government with the aim of establishing a process for amending the constitution. According to the new law, any constitutional change has to be initiated by a significant number of parliamentarians (100 Lower House members or 50 Upper House members) and has to be approved by two-thirds of the Diet members in both chambers. If this happens, voters are given the opportunity to vote on the proposal.

The minimum legal age for voting in referendums will be lowered from 20 to 18 years in 2018.

Despite the legal straightjacket, nonbinding referendums have played an increasingly important role in Japan's regional politics in recent years, particularly with respect to the debate over nuclear energy.

Citation:

Gabriele Vogt, *Alle Macht dem Volk? Das direktdemokratische Instrument als Chance für das politische System Japans*, in: *Japanstudien* 13, Munich: Iudicium 2001, pp. 319-342

Norway

Score 2

Government decision-making is inclusive in that organized interests have access to and are incorporated in regular processes of planning and implementation. The system makes no provision for direct citizen participation in the form of legally binding public votes or citizen referendum initiatives. Referendums have been used, but only in exceptional issues (the last time in the vote on European Union membership in 1994), and even then are constitutionally only consultative (through in practice are treated as binding).

Portugal

Score 2

The institution of referenda exists at national and local levels. However, while citizens can propose referenda, the referendum itself only takes place if there is agreement from political officeholders. In the case of national-level referenda, the Assembly of the Republic or the government must propose the referendum to the president, and the president must accept this proposal. Citizens can propose local referenda, but the Municipal Assembly can decide whether to call these referenda or not.

In practice, referenda are rare in Portugal. There have been only three national referenda in Portugal since the transition to democracy, the most recent having been held in 2007. Local referenda are also rare, with five having officially taken place.

Neither of these types of referenda took place in the period under review. The only significant change during this period was the July 2016 decision to reduce the number of signatures required for a referendum from 75,000 to 60,000.

Citation:

“Iniciativas legislativas de cidadãos já só precisam de 20 mil assinaturas”, TVI24, 20 July 2016. Available online at: <http://www.tvi24.iol.pt/geral/20-07-2016/iniciativas-legislativas-de-cidadaos-ja-so-precisam-de-20-mil-assinaturas>

Turkey

Score 2

According to Article 67 of the constitution, all citizens over 18 years old have the right to take part in referendums. Referendums are held in accordance with the principles of free, equal, secret and direct universal suffrage, with votes counted publicly. In recent years, referendums were held to amend the 1982 constitution. Paragraph 3 of Article 175 of the constitution reads that, if the parliament adopts a draft constitutional amendment referred by the president by a two-thirds majority, the president may submit the law to a referendum. Laws related to constitutional amendments that are the subject of a referendum must be supported by more than half of the valid votes cast in order to be approved.

If a law on an amendment to the constitution is adopted by at least a three-fifths majority but less than a two-thirds majority of the total number of members of the Grand National Assembly, and is not sent back to the Assembly for reconsideration by the president, it is then published in the Official Gazette and submitted to a referendum.

A law on a constitutional amendment adopted by a two-thirds majority of the Assembly directly or upon the return of the law by the president may be submitted to a referendum by the president.

Popular decision-making is also possible at the local level. Law 5593 on municipalities (Article 76) enables city councils to implement policies for the benefit of the public. Yet these units are not wholly effective, as they depend upon the goodwill of the local mayor, and some councils exist on paper only and have yet to be established in fact. Law 6360, in effect since 2014, paved the way for more centralized decision-making processes, including in urban planning and on local matters .

Turkey has not signed the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

Citation:

Emine Behiye Karakitapoğlu, Public participation in EIA process of small hydro power plants (HES) in Turkey, University of Uppsala, 2015.

Huseyin Gul / Hakan M. Kiris (2015), Democratic Governance Reforms in Turkey and Their Implications, in Alexander R. Dawoody (ed.), Public Administration and Policy in the Middle East, New York, Heidelberg, Dordrecht and London: Springer.

Semanur Karaman (2013), How do Turkish citizens participate in decision-making? 4 August 2013, <https://www.opendemocracy.net/can-europe-make-it/semanur-karaman/how-do-turkish-citizens-participate-in-decision-making>

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