

**SGI** Sustainable Governance  
Indicators 2009

Democracy

**Electoral process**



*Indicator* Fair electoral process

*Question* Are procedures for registering candidates and parties fair?

*30 OECD 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 = Registration is fair. Candidates and parties do not face discrimination.*
- 8-6 = Registration is reasonable, but tends to favor individual candidates as applied.*
- 5-3 = Registration procedures are reasonable, but discriminatory as applied.*
- 2-1 = Registration procedures discriminate against candidates or parties.*

## Australia

*value 10*

Australian electoral procedures for registering candidates and parties are fair, transparent and properly regulated. Candidates and parties are not discriminated against. Since 1984, the responsibility for conducting elections has rested with the Australian Electoral Commission (AEC), a statutory authority created by an act of parliament and independent of government influence. The AEC is accountable for the conduct of elections to a cross-party parliamentary committee, the Joint Standing Committee on Electoral Matters (JSCEM). As part of its role, the JSCEM evaluates the consequences of changes in electoral law, and reviews the way each federal election is conducted.

Since 1984, political parties have been required to register with the AEC before nominating candidates for election. There are no significant barriers to registration for any potential candidate or party. To be eligible for registration, a party must have a minimum of 500 members who are valid voters. Since registration renders parties eligible for state funding during election campaigns, the rules are strictly enforced. Individual candidates unaffiliated with a political party may run for election if they are 18 years or older, hold Australian citizenship and are on the electoral roll. Those who hold dual citizenship, or public servants are not eligible to run for office.

## Austria

*value 10*

The Austrian election system provides for a fair electoral process. In general, founding political parties and nominating candidates for elections are not subject to any restrictions. According to the Party Law of 1975, political parties must have a party statute and submit it to the Ministry of the Interior so that it can be published in

a periodical brochure. Every Austrian citizen of legal age (18) can run for office. The only restriction on founding and registering parties and candidates, as is laid down in the State Treaty of Vienna (1955), is that the creation of fascist and national socialist organizations is forbidden. Additionally, an individual's passive voting right can be denied following a prison sentence of more than one year.

## Canada

### *value 10*

In Canada, the right to be a candidate in an election is protected in the Constitution by the Canadian Charter of Rights and Freedoms. The rules for becoming a candidate and registering a political party in Canada can be considered fair. Indeed, recent changes to the electoral law have increased the system's fairness by imposing stricter rules on contributions and expenses as well as by giving more generous public funding to all parties that receive at least 2 percent of the vote.

To be a candidate, one needs to be a Canadian citizen at least 18 years of age not currently imprisoned in a correctional institution. There are also other minor restrictions, such as that neither members of a provincial legislature nor election officers may run for office in a federal election. For the 39th general election held in January 2006, there were 15 registered parties, three more than there had been at the election held two years previous. In general, the office of the Commissioner of Canada Elections has far-reaching jurisdiction so that it may deal with violations of or non-compliance with the Canada Elections Act.

## Czech Republic

### *value 10*

Procedures for registering candidates and parties are fair and follow clearly defined rules. The right to become a candidate for election is only limited by age. Parties, movements and coalitions register lists in electoral districts. A party must have prior registration to acquire legal status, and the 1991 Law on Political Parties and Movements sets conditions that exclude parties that: lack democratically established organs; break the law; aim to remove the democratic foundations of the state; aim to assume power and restrict the freedom of other parties; or threaten morality and public order.

Three citizens of the Czech Republic aged at least 18 years are required in order to found a political party or movement. When registering, a party must provide a petition with the names of at least 1,000 citizens demanding the establishment of the party or movement. This rather easily met requirement has led to over 100 parties being registered. In 2006, the European Court of Human Rights ruled that a fringe party had been unjustly denied registration.

## Denmark

*value 10*

Although in principle a person can run for office in Denmark without a party affiliation, in practice nearly all elected members of the People's Assembly, the country's unicameral parliament, run on a party list. As a result, it is the political parties that de facto decide who the candidates will be. In a multiparty system like the Danish one, anyone with political ambitions should have a reasonable chance of becoming a candidate. Furthermore, the election process is well-controlled and monitored, and no complaints have been filed regarding matters of principles or systematic fraud.

Nevertheless, there are two problems that create at least a potential for manipulation. First, parties already represented in the People's Assembly may automatically participate in new elections, while other parties must get the approval of the minister of the interior by providing a large number of signatures of voters supporting its participation. The number of signatures must be at least 1/175 of the voters who participated in the previous election, which in practice amounts to more than 25,000. Second, and perhaps even more problematic, is the fact that the minister of interior must approve the new party's name. For example, in the case of the party "Liberalisterne" (loosely translated as "the really liberal ones"), the minister of the interior refused to approve the party's name for a long time, arguing that it might confuse voters because his own party, the Liberal Party (V), also claims the "liberal" title.

## Finland

*value 10*

Finland's electoral process is free and fair. The Constitution Act of 2000 includes provisions granting Finnish citizens the right to participate in national elections and referendums. Registered political parties have the right to nominate candidates; however, since 1975, under the principle that all voters should have the right to influence the nomination process, electoral associations of at least 100 enfranchised citizens have also had the right of nomination. These associations' role has been marginal.

In like manner, candidates for president can be nominated by any political party represented in the Finnish parliament, the unicameral Eduskunta, at the time of nomination, but also by groups of at least 20,000 enfranchised citizens. Presidential candidates must be Finnish citizens by birth; people under guardianship and those in active military service cannot be 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 the signatures

of 5000 supporters, a party may be reregistered.

## France

*value 10*

The electoral process in France, as well as legal provisions governing the registration of candidates who stand for election, are completely fair. The level of fairness has gradually increased through the course of the 20th century. There are only a few minor restrictions which serve to ensure that only serious candidates stand for election.

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 commitment. In addition, candidates must pay a deposit of €15,000. These constraints did not lead to a reduction in the political spectrum of candidates for the last presidential election in 2007, in which 12 candidates put their names forward.

The legal provisions relating to parliamentary elections also promote a fair, transparent electoral process. In the 2007 National Assembly election, 7,540 candidates put their names forward for 577 seats.

## Germany

*value 10*

The provisions of Germany’s Federal Election Law allow for a completely fair and open electoral process. Candidates whose names are not included on a political party’s state lists and who do not apply as direct candidates must obtain 200 signatures of support from German citizens who are themselves entitled to vote. This demonstrates commitment on the part of candidates who put their names forward for election. Psychiatric patients and criminals are the only individuals who are not entitled to vote. The Federal Constitutional Court is the only entity which has the right to ban a political party from taking part in elections.

## Hungary

*value 10*

Electoral registration procedures are fair and transparent. The constitution does not forbid the existence of any parties. The 1989 Law on the Functioning and Management of Political Parties and the 1997 Law on the Electoral Process prohibit unfair discrimination against candidates or parties. Party registration is relatively straightforward. Only 10 founding members are required for registration, and a number of parties outside the mainstream are registered. Candidates for parliamentary elections can be nominated by voters or parties. They need to document the support of at least 750 voters. This provision has not prevented non-

party candidates from running.

## Iceland

*value 10*

Any Icelandic citizen 18 years old or over can run for parliament, excepting judges in the Icelandic Supreme Court, the parliamentary ombudsman, and those who have been convicted of a serious felony after turning 18, and sentenced to at least four months in jail or custody. In local elections any Icelandic citizen at least 18 years old can run for office. Danish, Norwegian, Swedish and Finnish citizens who have established permanent residence in Iceland for at least three years, and other foreign citizens who have maintained permanent residence for five years, can run in local elections. The registration process for candidates and parties is transparent and fair.

## Ireland

*value 10*

In Ireland, the procedures for registering both candidates and parties are fair.

There are some measures in place meant to prevent dubious candidates from registering. After a constitutional challenge in 2001, a two-tier system was introduced that requires party-affiliated candidates to supply proof that their parties nominated them and that requires non-affiliated candidates to obtain the signatures of 30 registered parliamentary electors in the respective constituency. In 2007, this system was further amended. The Electoral (Amendment) Act currently stipulates that non-affiliated candidates are required to present either the signatures of 30 registered electors or a €500 deposit to the returning officer in the constituency in order to be registered as a candidate.

The criteria for registration as a political party are set out in Section 25 of the 1992 Electoral Act. The principal criteria regard the requisite number of members (i.e., 300 recorded members or one TD or MEP) and that the party be organized to run for elections. (A TD is a Teachta Dála, a member of the Dáil Eireann, Ireland's House of Representatives, the lower house of the bicameral Parliament, known as the Oireachtas.)

## Luxembourg

*value 10*

Electoral law presents no restrictions in registering a party for election. Party candidate lists can be as small as a single individual. All that is required of candidates is that they be citizens of Luxembourg. Parties submit individual candidate lists for each of the country's four electoral districts. Electoral law distinguishes between complete and incomplete lists. A complete list is one in which a party submits enough candidates in each electoral district to fill all the seats

allocated to that district.

Luxembourg has a strong tradition of single-issue parties such as the “Action Committee for Democracy and Pensions Justice,” which was originally founded as a group demanding equal pension rights for everybody. Similarly, a group called the Association of Divorced Men is likely to submit candidates in the 2009 national election. Electoral law gives even these mini-parties complete freedom to bid for votes, though they are sometimes specific enough to reach the point of near-absurdity.

## Netherlands

*value 10*

Electoral law and articles 53-56 of the constitution detail the basic procedures for free elections at the federal, state and municipal levels. The independence of the “Kiesraad,” the organization responsible for supervising national and European elections, is stipulated by law. Whereas all Dutch citizens residing in the Netherlands are equally entitled to run for election, 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 the name of the candidate’s party is believed to be hazardous to maintaining public order.

Three events during the period under review underscore the state of fair electoral processes in the Netherlands. In 2005, a higher court ruled against the state continuing to finance a political party – the Reformed Political Party (SGP) – that did not allow women to become members of the party. In 2006, an additional article (Article 57a) regarding the replacement of government politicians in case of pregnancy or severe illness was inserted in the constitution in order to guarantee women equal access to eligibility. Finally, a party promoting the legalization of sexual intercourse between adults and underage persons – the Charity, Freedom and Diversity (NVD) party – was founded amid strong protests in 2006. The party’s right to exist was held up in court, where the judge ruled to let the voters decide on the validity of the party’s claims.

Annotation:

International Constitutional Law Project (ICL), “Netherlands Constitution,” Article 53-56, [http://www.servat.unibe.ch/icl/nl00000\\_.html](http://www.servat.unibe.ch/icl/nl00000_.html) (accessed February 28, 2008)

Wet-en regelgeving sociale zekerheid, “Kieswet” (The Electoral Law), [http://www.st-ab.nl/wetten/0172\\_Kieswet\\_KW.htm](http://www.st-ab.nl/wetten/0172_Kieswet_KW.htm) (accessed February 28, 2008).

## New Zealand

*value 10*

New Zealand has fair procedures for registering candidates and parties. Under the

1993 Electoral Act, every person registered as a voter is qualified to be a candidate and to be elected to the unicameral House of Representatives, commonly called Parliament. The registration procedure for political parties and individual candidates is transparent. Compliance with the Electoral Act is monitored by the independent and highly professional Electoral Commission. New and small parties are treated in the same way as established and large parties. In 1996, New Zealand's electoral system was reformed and a mixed-member proportional representation (MMP) system of voting introduced. Under this system, each voter has two votes: one for the candidate in the district and one for the party-list. The share of seats for each party is determined by its share of votes for the party-list.

## Norway

*value 10*

Norway's 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 is discriminated against. A new law on the registration and financing of parties was passed by parliament in 2005, and the earlier articles on party registration removed from electoral law. The only requirement for starting a party is to collect at least 5000 signatures from Norwegians who have the right to vote.

## Poland

*value 10*

The registration of candidates and parties is fair and transparent, and there is no evidence of discrimination within the process. The registration of candidates for national parliamentary elections presupposes the creation of an election committee consisting of at least 15 members and supported by at least 1,000 citizens. Election committees then have to document the support of at least 5,000 voters for a candidate. In the case of parties, which can be established easily, an authorized party organ can act as an election committee. The requirement to provide at least 5,000 voter signatures for each candidate does not apply for election committees or parties that register candidates in at least half of all constituencies.

## Slovakia

*value 10*

The registration of parties and candidates is regulated by the constitution, the Election Act and the Act on Political Parties. Candidates must be older than 21 and can be registered either as party candidates or as civic candidates. To register, civic candidates must collect a minimum number of signatures from their supporters. The constitution forbids the very existence of fascist, extremist and racist parties. This

provision has been applied only once – in March 2006, the Supreme Court dissolved the Slovak Community - National Party. In 2004, the requirements regulating parties' participation in national elections were tightened. Since then, parties have been requested to submit a petition of 10,000 citizen signatures to register for parliamentary elections. Moreover, they must make a deposit of 500,000 Slovak crowns (€13,300), which is returned only to those parties that receive at least 3 percent of the vote. These requirements have not, however, genuinely stifled electoral competition.

## Sweden

*value 10*

During the period under review, the electoral process in Sweden was free and fair. The Elections Act, the Elections Ordinance and a number of other laws govern the conduct of elections. The right to vote and to be elected is extended to those with Swedish citizenship who are at least 18 years old. The Swedish Election Authority is responsible for planning and coordinating the conduct of elections and referendums, and the Election Review Board handles all election-related appeals. In September 2006, general elections were held for county councils, municipal councils, and the Swedish parliament, known as the Riksdag.

Since 1994, election day has been held on the third Sunday in September every fourth year, whereas it had been held every third year between 1970 and 1994. There are 20 election districts, and 310 MPs are elected on the district level. The remaining 39 seats are used to achieve proportionality between seats and votes. For a party to gain representation, it must either receive at least 4 percent of the total vote or 12 percent in one district.

## Switzerland

*value 10*

Switzerland law provides a fair registration procedure for election candidates, ensuring that neither political parties nor individuals face discrimination. Limitations to women's right to vote, which previously existed in several cantons, have been abolished. Some parties either give preference to or discriminate against certain individuals as a result of internal party quotas. However, any individual is free to stand for election using his or her own electoral list. In order to do this, a relatively small number of signatures from supporters is needed and a minimal registration charge must be paid.

## United Kingdom

*value 10*

Registration procedures for parties and candidates in the United Kingdom are fair,

transparent and subject to regulations that prevent discrimination. British citizens and citizens of other Commonwealth countries, together with citizens of the Irish Republic, may stand for election as MPs provided they are at least 21 years of age, have no criminal record, are not in bankruptcy, and are not subject to the House of Commons Disqualification Act.

Requiring only a deposit, party registration is fairly easy and inexpensive, and subject to only a few formal restrictions, such as no offensive or misleading party names. There are no restrictions on party program content. Political parties are registered by the Electoral Commission and are bound by the rules set out in the Electoral Administration Act (2006). Candidates that do not belong to a registered party can run as independents or without accompanying descriptions on the ballot paper. The fact that there are cases in which a large number of candidates run, many of whom belong to extremist parties, testifies to the system's openness.

## Belgium

*value 9*

Individuals and political parties enjoy equal opportunities to register for and run in elections. However, procedures for registering candidates and parties are rather complex, due to elections held on the different levels of the federally organized country. The complexity of the registration process prompted some (very) minor parties to complain about difficulties when registering candidates prior to the June 2007 elections.

In established parties especially, there are strong informal mechanisms that guide the candidate selection process. Even in parties where internal polls are organized, the selection process is very much controlled by core party leaders. Thus, formally, open procedures are often bypassed, and some candidates are systematically privileged against others. Since these inequalities stem from common internal organizational practices rather than from state intervention, registration procedures can nevertheless be considered as largely fair and non-discriminatory.

## Greece

*value 9*

Between January 2005 and March 2007 in Greece the registration of candidates and parties was fair and not subject to any restrictions. The constitution provides for the right of Greek citizens to establish political parties, "the structure and action of which ought to serve the free functioning of the democratic regime." This principle allows restrictions against parties which aim to overthrow the regime. In practice, there are no such restrictions, and no party faces sanctions for not adhering to this requirement.

In any case, Greek parties do not make general pre-election statements for or against the free functioning of the democratic regime, and it is taken for granted that parties

participating in elections support the prevailing political system. Parties may participate in elections by submitting a formal statement, signed by the head of the party to the Supreme Judicial Court, and by obtaining the nomination of the court. This is a formal procedure which does not involve any substantive evaluation of a party's electoral platform by the court. Several restrictions on candidacy do exist. Parliamentary candidates must be at least 25 years old, and public sector employees' rights to run for office are limited.

## Italy

### *value 9*

Italian regulations for election registration procedures are basically fair and non-discriminatory. The requirement that candidates submit a substantial number of signatures for registration tends to favor existing parties over newly formed ones, but it is not too difficult to achieve.

Elections in Italy are generally fair. There is – in the framework of political parties – equal opportunity to become an election candidate. Indeed, the process of party registration is very liberal, as it even tolerates parties which hold political views that are not in line with key principles of the Italian constitution (such as the unity of the republic). Thus interests of national security or public order seem to be subordinated when considering the registration of new political parties.

There is no independent election-monitoring agency. The only agency that monitors elections (and which appears to be effective) is an arm of the Department for Local Affairs, located within the Ministry of the Interior.

## Japan

### *value 9*

Legal regulations provide for a fair electoral registration procedure in Japan. Political candidates and parties are not discriminated against. Candidates for office must be at least 25 years old, or 30 in the House of Councilors, Japan's upper legislative house.

Elections are based on the Election Law for Public Office. In 1994, the system for the House of Representatives, Japan's lower legislative house and the more important in the country's bicameral system, was significantly changed. Once based on multiple-member constituencies, today 300 seats are allocated through single-member constituencies, with 180 additional seats (200 before 2000) based on party lists in 11 regional blocks. While the overall effect on smaller parties and on the dominant Liberal Democratic Party (LDP) has been heatedly discussed, *prima facie* it can be argued that this election system attempts a reasonable compromise between proportional representation and personal accountability. Electoral organization has not been a disputed issue.

## Portugal

*value 9*

Portugal has a mixed presidential/parliamentary system. Its legal framework provides for fair registration procedures for both parties and candidates. There are, however, a limited number of restrictions aimed at protecting and upholding democratic institutions. Article 8 of the Law of Political Parties, for example, restricts parties by prohibiting the registration of “racist, fascist, military or paramilitary parties.” Regarding candidates, electoral laws prohibits acting members of the military, diplomatic, judicial and electoral powers from being elected.

Except in the case of minors and individuals deemed mentally incompetent following a judicial or medical review, restrictions on eligibility are limited to normal citizenship requirements. A 2001 treaty between Portugal and Brazil also extends political rights to Brazilian citizens equal to those enjoyed by Portuguese citizens. Regarding presidential candidates, a special rule requires candidates to be at least 35 years old. In terms of democracy, however, none of these restrictions can be seen as unreasonable, and there is no political and public controversy surrounding them. Also deemed reasonable – though not free of political debate – is the system whereby only political parties, and not non-partisan groups of electors, can present candidates for legislative elections. This is only possible for local and presidential elections.

## South Korea

*value 9*

Elections at the national, regional and local levels are held in a free and transparent manner. Though elections continue to be fairly cost-intensive for the political actors involved, the influence of money and financing in campaigns has declined in recent years. Elections in Korea are regulated by the Public Official Election Act. They are managed by the independent National Election Commission, which is widely considered to be an independent guardian of fair elections.

There are no unreasonable restrictions on the processes of voter or party registration. However, the National Security Law prohibits political parties that deny the principle of liberal democracy, or which seek a violent overthrow of the constitutional government. In practice, communist parties are not permitted to register, a situation closely tied to the protracted military confrontation with North Korea.

In 2005, South Korea reduced the age of voting eligibility from 20 to 19 years of age. Though many democracies give the franchise to 18-year-olds, this extension signifies some political development. Parliamentary candidates must be at least 25 years old, and must have support of a party or a number of voters in order to stand for election. However, candidates also must deposit a substantial sum of money to run for office, a restriction which seems to be less justified.

## Spain

*value 9*

Procedures for registering candidates and parties are generally fair, flexible, inclusive and protected by a number of administrative and judicial guarantees. According to Spanish electoral law passed in June 1995, every Spanish elector is eligible to become a candidate. The existing restrictions of candidates and parties are in accordance with the law on political parties, which was approved by the national parliament (Cortes Generales) in 2002.

Restrictions concern political parties that do not condemn the use of violence and actively or passively advocate violence to achieve or pursue political goals, and whose main activities involve serious and continuous attacks on democratic principles. In practice, this law prevents parties and candidates that openly support the activities of the terrorist group ETA and that do not actively condemn the group's use of violence from participating in elections.

In such cases, parties can be either suspended or dissolved following a complex set of procedures led by the Supreme Court. Other restrictions specified in the electoral law apply to public figures and to members of the government at various levels, the public administration, the army, the judiciary and other public bodies; a second set of restrictions applies to those sentenced to jail and particularly so for those sentenced by terrorist crimes. If the electoral administration decides to exclude or reject a candidate, the candidate can appeal to either a specific electoral administration or if necessary, to the Constitutional Court; in both cases, trials are treated with the utmost urgency.

## United States

*value 9*

Elections in the United States are generally dominated by the two major parties because the electoral system – with its single-member districts for legislative office and a majority requirement (with respect to Electoral College votes) for a separately elected president – strongly favors them. However, over the past four decades, a number of new political parties have emerged, such as the Libertarian Party (1971), the Green Party (1984) and the Constitution Party (1992). These parties achieved ballot status for their respective presidential candidates.

Furthermore, there is a long list of other current national parties that have endorsed candidates for federal offices, including the presidency. Three of the most recent are: the Reform Party (2005), the Centrist Party (2006) and the United States Pacifist Party (2007). Thus, despite the dominance of the Democratic Party and the Republican Party as well as restrictions on ballot access, there are at least chances for newly emerging parties to reach ballot status at the federal level.

## Mexico

*value 8*

Party registration is a formal, legal process which confers benefits such as access to public financing for campaigns, and the right to participate in the proportional representation system in congressional elections. To be registered, a party must show it has at least 175,000 members enrolled. Aspiring parties must also show they have convened at least 200 meetings with a minimum attendance of 300 people. Moreover, a new party must draw a minimum of 2 percent of the national vote in order to retain its registration. New parties are forbidden to form alliances, although parties that have already proved their voting power may do so. At the local and regional level, citizens' opportunities to run for office are still constrained by strong socioeconomic and ethnic inequalities, as well as by the existence of oligopolistic political clan and family structures.

## Turkey

*value 6*

Turkish law stipulates that every adult citizen has the right to stand as an electoral candidate, with some legal exceptions which are similar to those of other countries. However, registration procedures seem to be designed deliberately to discriminate against candidates and parties that pursue a political solution to Turkey's Kurdish question, particularly pro-Kurdish parties.

Turkey is the only country in Europe that applies a nationwide 10 percent minimum-vote hurdle for political parties, a rule which was introduced after a military takeover in 1980. This hurdle aims to impede the representation of pro-Kurdish parties in the Grand National Assembly.

For example, in the 2002 election, 50 percent of the electorate in ten southeastern provinces voted for pro-Kurdish parties (expanded to 16 provinces, such parties received 10 percent of the vote) but at the national level, such parties only received 6.2 percent of the vote. Had the minimum been set at 5 percent, for example, the pro-Kurdish party at the time (Democratic People's Party, or DEHAP) would have gained 30 to 40 seats in the Assembly.

As a result, these seats went to the ruling AKP (Justice and Development Party), and, to a much lesser extent, to the main opposition party, the Republican People's Party (CHP). Thus the AKP in the 2002 elections was able to generate an almost two-thirds majority in the Assembly, out of a voter share of just 34 percent.

*Indicator* Fair electoral campaign

*Question* Is access to the media and other means of communications fair?

*30 OECD 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 = Access to the media is equitable, and media coverage is balanced.*
- 8-6 = Media access is largely equitable, and media coverage is balanced.*
- 5-3 = Media access is uneven. Major media outlets are biased, but system as a whole is fair.*
- 2-1 = Media access is uneven. Major media outlets show partisan bias.*

## Denmark

*value 10*

The Danish constitution's guarantee of freedom of speech is only limited in cases involving libel, and it is illegal to make defamatory statements about opponents.

All parties and candidates are equally entitled to distribute pamphlets and put up posters. The fairness of electoral campaigns can be limited by finances, as larger parties naturally have more campaign funds than the smaller ones. The public media sources (Danmarks Radio and TV2) must meet certain criteria for diversity and fairness. Regardless of their age or size, all parties participating in elections are entitled to equal radio and television time. The private media, and particularly the newspapers, are also usually open to all parties and candidates and are, for example, rather willing to accept and publish letters to the editor.

**Annotation:**

The score provided exceeds those provided by the country experts. This score is justified when compared with those given to other countries.

## Finland

*value 10*

Access to the media is fair in principle, but practical considerations such as time and channel limitations restrict the access of smaller parties and their candidates to television debates and appearances. Given the impact of such appearances on an election's outcome, this bias is problematic from the point of view of fairness and justice. However, the restrictions are a factor of party size and importance, and are not about ideology or the government-opposition divide. Access to newspapers and commercial forms of communication is unrestricted, but is in practice dependent on parties' and candidates' economic resources. Candidates are required to report their

sources of campaign income, and candidates' financial backgrounds and links to the media must be disclosed.

Annotation:

The score is outside the range of the country experts because the higher score is justified in relation to other countries' scores.

## Germany

*value 10*

The German Interstate Broadcasting Agreement ensures that all political parties receive air time on public broadcasting stations for short campaign advertisements during elections. The largest TV broadcasters, ARD and ZDF, are forbidden to favor any particular political party. As a result, each party receives an amount of air time relating to the percentage of the vote it obtained in the previous election. The situation for privately owned broadcasters is different. Political parties can buy additional air time for their electoral campaigns on the channels SAT 1, RTL and Pro Sieben.

Since the larger parties have more financial resources for their respective electoral campaigns, they dominate this field in comparison to smaller political parties. Moreover, in the past, private broadcasters have given preference to parties that shared their political ideologies, especially the Christian Democratic Union (CDU). In 2005 there was a public debate on whether only the top candidates from the CDU and Social Democratic Party (SPD) should take place in public TV debates.

The Free Democratic Party (FDP), a smaller rival, protested against this notion to the Federal Constitutional Court. However, the court rejected the case, finding that the idea was not sufficiently discriminatory toward smaller political parties to overturn.

## Netherlands

*value 10*

Media law (Article 39g) requires that political parties with one or more seats in either chamber of the States General, the Dutch bicameral parliament, be allotted time on the national broadcasting station throughout the course of the parliamentary term. The Commission for the Media also ensures that political parties are given equal media access that is free from government influence or interference (Article 11.3). The commission is also responsible for allotting national broadcasting time to political parties participating in upcoming European elections. This broadcasting time is only denied to parties that have been fined according to Dutch anti-discrimination legislation. The individual media outlets themselves, however, are entitled to decide exactly how much attention they will pay to political parties and their candidates.

Since 2004, state subsidies for participating in elections have only been granted to parties already represented in parliament. Whether this practice constitutes a form of inequality is currently a matter of discussion in the Netherlands.

Annotation:

Ministerie van binnenlandse zaken, “Mediawet” (Media Act), Article 39 g, [http://www.st-ab.nl/wetten/0199\\_Mediawet.htm](http://www.st-ab.nl/wetten/0199_Mediawet.htm) (accessed February 28, 2008).

## Norway

*value 10*

Candidates and parties are free to purchase political advertising in print publications and on the Internet. However, 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 this ban. The other political parties are opposed to changing the law.

Television and radio broadcasters organize many electoral debates, to which all major parties (those with a vote share larger than 3 percent in the previous election) have fair access. However, the biggest two parties, the Labor Party and the Progress Party, are interviewed more often and participate in more debates. Political advertising during election campaigns is extensively regulated to ensure that voters are aware of its source. During elections, a team of reporters from the state broadcasters organize the public debates. There is no direct government interference in choosing this team of journalists. However, in the 2005 election, it came to public attention that the leader of this team had previously been a member of the Labor Party. This spurred some debate, but she was not forced to resign. Overall, access to the media is open and universal.

## Sweden

*value 10*

There are no legal restrictions on political advertising in the print media and on commercial television in Sweden, and all political parties enjoy equal opportunity of access to advertising. However, the media are biased. Campaigns are very dependent on their financial assets, and they are normally between the two left and right blocs. The media biases for these blocs are balanced, although the right bloc enjoys somewhat of an advantage, particularly with the largest newspapers in Sweden, such as Dagens Nyheter, Expressen, Svenska Dagbladet and Göteborgs-Posten. The only exception with a readership of comparable size is Aftonbladet. For this reason, there have been claims of media bias in Sweden’s public political discourse. Moreover, issues and parties unaffiliated with these blocs may have a more difficult time making themselves heard.

While there is no political advertising on the state-owned radio and television stations, the major private stations give substantial media coverage to the positions of the various parties represented in parliament. Coverage is generally fair, and party leaders are usually given an equal opportunity to speak on programs. In fact, politicians in debates are traditionally allotted set amounts of time to speak so as to ensure that they are all given a chance to get equal exposure. However, parties without representation in parliament usually get little or no media exposure.

Annotation:

This score lies outside the range of the country experts. The higher score is justified in relation to the scores of the other countries.

## Australia

*value 9*

There are no explicit barriers restricting access to the media for any political party or candidate. The public broadcasters – the Australian Broadcasting Commission (ABC) and the Special Broadcasting Service (SBS) – are in fact legally required to provide balanced coverage. In practice, the two dominant party organizations, the Australian Labor Party and the Liberal-National Coalition (a longstanding coalition between the Liberal Party and the National Party of Australia), attract most coverage, with minor parties finding it somewhat difficult to attract media coverage. For example, the ABC provided free airtime only to the two main parties during the 2007 election campaign.

Political advertising during election campaigns is regulated by legislation to ensure that voters are aware of its source. Election advertising must include the name and address of the author, and advertising of any kind is banned during the three days prior to Election Day. There are no restrictions on expenditures for advertising by candidates or parties. Equity in the ability to communicate with the electorate is enhanced by the availability of public funds for electoral campaigns. All candidates are entitled to public funding, as long as they obtain at least 4 percent of the first-preference votes in the country's instant-runoff system. The amount to be paid is calculated by multiplying the number of votes obtained by the election funding rate for that year. Parties received a total of AUD 42 million (approx. €25 million) in public funding for the 2004 federal election.

Inequity in access to the media does arguably arise as a result of the governing party's ability to run advertising campaigns that ostensibly provide information about government policies, but which are in fact primarily conducted to advance the party's electoral interests. For example, following implementation of industrial relations reforms in July 2006, the federal government ran extensive campaigns advocating the benefits of the reforms. The legitimacy of this advertising was questioned by the opposition.

## Canada

*value 9*

Political parties in Canada have equal opportunities of access to the media and other means of communication. Canadian law obliges all television and radio broadcasters to make available for purchase 6.5 hours of time for political advertising at the lowest applicable rate over the course of the electoral period. Electronic broadcasters are required to distribute paid time according to a formula based on the results of the last election and the number of candidates running in the current election. The allocation of free advertising time is also determined by the distribution of paid time. Every broadcaster is obligated to give at least as much free broadcasting time as the total amount of time they did in the previous election, and every party has the right to a total of at least two minutes of free broadcast time.

More recently, Elections Canada, an independent, nonpartisan agency that organizes and administers most aspects of the electoral system (including referendums) and reports directly to Parliament, modified its approach by first giving out one-third of the total time equally to all registered parties. The remaining two-thirds are distributed according to the dispositions discussed above. Furthermore, parties are now allowed to buy time in addition to that allocated to them, as long as the broadcaster agrees to sell it and the party does not exceed its spending limit. There is no legal obligation for print media to provide free advertising space to political parties.

## Iceland

*value 9*

By and large the election process is fair and open. Every candidate has equal opportunity of access to the media and other means of communication. Some media organizations may demonstrate bias, but due to diverse ownership this bias is rather balanced across all media. There is a tendency in the media to favor those who are already members of parliament or local government, which makes it harder for new parties and candidates to get media coverage.

## Ireland

*value 9*

Candidates and parties have equal access to the media during election campaigns. The public broadcaster, Irish Radio and Television (RTE), has adopted internal guidelines for ensuring balance between the political parties in its newscasts and in its airing of party political broadcasts. In addition, during the election period (i.e., the time between the dissolution of Parliament and the election), an Election Steering Group meets daily to monitor RTE's output. Though no paid political advertising is allowed on RTE during the election period, RTE does offer broadcast time to parties

free of charge. The number of first preference votes each party received during the previous elections determines access to these three-minute broadcasts.

In addition, during the run-up to the 2007 election, the debates of two high-profile leaders were broadcast. The first was between the leaders of four smaller parties, and the second was between the leaders of the two largest political parties: the incumbent Taoiseach (the Irish prime minister) and leader of Fianna Fáil (FF) Bertie Ahern and Enda Kenny, the leader of Fine Gael (FG), the largest opposition party.

## New Zealand

*value 9*

In principle, all candidates and parties have fair access to the media. Allocation of funds and broadcasting time during elections is regulated through the broadcast allocation process. Broadcasting time is allotted to parties based on recent polling and their representation in Parliament. The independent Electoral Commission monitors these procedures laid down in the 1993 Electoral Act and the 1998 Broadcasting Act.

However, the system remains flawed, as the commission stated in a report to the Justice and Electoral Committee Inquiry in 2006. Problems include the fact that many regulations have not yet been adapted to the new MMP electoral system, and that two different acts regulate media coverage of election campaigns. In addition, campaign rules in New Zealand are rather complex, and have not yet been adjusted to the change in the electoral system. Furthermore, there is no limit on private donations, and anonymous donations are allowed. While parties and candidates are requested to provide a report detailing their revenues and expenses, there is no procedure in place that systematically checks compliance with these rules, and the current regime seems to rely on complaints being made to the electoral agency.

Annotation:

Electoral Commission, "Report and Public Submission for the Justice and Electoral Committee Inquiry into the 2005 Election," March 10, 2006 (Wellington: Electoral Commission 2006).

## Slovakia

*value 9*

Electoral and media law is directed at providing parties equal access to the media. Public media sources are bound by law to broadcast advertisements of all parties participating in elections and to air political debates that include all parties registered for elections. Since 2006, commercial TV stations have been allowed to broadcast political advertising paid for by parties. This has increased the media presence of the bigger – and wealthier – parties. By and large, however, media coverage of different

political positions has been fair and balanced. Campaign fairness has benefited from the fact that bias in the programming at Slovakia's most influential TV station, TV Markíza, has decreased since Pavol Rusko – the station's (former) co-owner and director who simultaneously chaired the New Citizens Alliance (ANO) party – sold his stake in 2005.

## Switzerland

*value 9*

Electoral candidates and parties in Switzerland have largely equal access to printed media within the country. The main media organizations report equally on each of the main parties, offering them similar possibilities to promote themselves during electoral campaigns. The fact that the larger newspapers either favor a certain political party (as does the *Neue Zürcher Zeitung*), or demonstrate a clear political stance (as does the *Tagesanzeiger*), rarely results in complaints being made by individual parties. Campaign advertisements are not permitted on television or radio.

## Austria

*value 8*

During the electoral campaign, for the most part, candidates and parties have equal opportunities of access to the media. The national public broadcasting corporation (ORF), which is considered to be the primary source for political information and the most important campaign channel, provides fair and balanced coverage of different political positions. During interviews and TV debates, the top candidates of all parties represented in the Federal Assembly, Austria's bicameral parliament, have the opportunity to address the voters before general elections. In 2006, even the candidates of three smaller parties were invited to participate in these TV events, which provided them with disproportionately good opportunities for campaigning. Likewise, the political coverage of print media is regarded as being fairly balanced and as clearly privileging no particular party.

However, the level of fairness of electoral campaigning can be lowered by the lack of an efficient control on campaign financing. Indeed, financing rules are very general and therefore difficult to enforce, which is sometimes helped by voluntary agreements between various campaigning parties.

## Czech Republic

*value 8*

Electoral and media laws have several provisions aimed at ensuring equality among parties. Parties that receive at least 1.5 percent of the votes are entitled to a state subsidy in proportion to the percentage of votes they receive. This subsidy has traditionally covered more than half of each party's campaign costs, thereby ensuring

a reasonably level playing field. Municipalities provide spaces for posters, and radio and television stations set aside 14 hours of programming time to be divided equally among all registered candidates, thereby ensuring that even the smallest party has a voice.

The law requires that campaigning methods remain fair and free of false information. During the 2006 parliamentary elections, various parties or movements filed six complaints about campaigning methods, the majority of which alleged that there were conditions unfairly helping certain parties, but the courts rejected all these claims. Media coverage of the different positions in the 2006 electoral campaign is regarded as having been relatively fair, although some smaller parties complained that there were too many TV debates featuring only the leaders of the two larger parties.

## France

*value 8*

During the official electoral campaign – which starts approximately 30 days before the date of the presidential election and 20 days before the parliamentary election – the public media (radio and TV) are obliged to report on political parties and candidates in a fair and impartial way.

Financial expenditures during electoral campaigns are regulated to provide all candidates with equal opportunity in campaigning; rules on the fairness of electoral campaigns are determined by independent bodies (Commission nationale du controle; Conseil supérieur de l’audiovisuel). One expert alludes that, even up until the 1980s, the possibility for candidates who were considered too radical or who held beliefs that fell outside of mainstream political ideology to receive media coverage was rare. This was, however, not a restriction that was introduced by the state, but rather a decision that was made by private media.

This example highlights that French public opinion is essentially shaped by electoral campaign reports from a small number of Paris-based media corporations that have a limited reach. For example, while 80 percent of the French population live in the so-called provinces, national daily newspapers are only available in the larger cities.

## Portugal

*value 8*

During electoral campaigns, all registered presidential candidates and parties presenting lists in legislative or local elections are entitled to access to the main television and radio channels so as to present their platforms. In addition to the main national public networks (i.e., RTP for television; RDP-Antena1 for radio), this also pertains to the two main, privately owned national networks. A broadcast entitled “Tempo de Antena” is aired each day of the official campaign, which allows candidates or parties to present their platforms free of charge.

The amount of time allotted for these presentations is proportional to the number of electoral districts or municipalities in which each party is presenting candidates. However, the networks have a certain degree of discretion regarding the timing of this broadcast and have tended to choose slots where losses in advertising revenues are expected to be smallest.

News coverage is a somewhat different matter. Networks (and particularly the public ones) are required to provide all candidates and parties with equal and fair coverage. The Entidade Reguladora para a Comunicação Social (ERC) is the media regulatory and supervisory body that upholds the constitutional principles of freedom of the press, right to information and to a plurality of views, and independence from the political and economic powers. It is charged with determining whether this requirement has been met.

Overall, the Portuguese media cannot be described as particularly partisan, at least when compared with other Western democracies. Nevertheless, smaller parties and candidates tend to enjoy much less media coverage and exposure, despite the fact that the public networks must invite all candidates and parties to their pre-election debates.

## United Kingdom

*value 8*

All candidates and parties have largely equal media access during election campaigns. Television news coverage is fairly balanced thanks to internal rules requiring a rough balance be given to the parties. The print media, however, does not have to be neutral and is known to be rather partisan.

Paid television advertising is banned, but parties may place advertisements in the print media. They are not provided free advertising space, but postage is paid for each candidate to send out one mail shot in their constituency. In addition, major parties are allotted free television advertising time that is based on the number of candidates put forward and proven electoral support. Because the main media outlets focus primarily on the three major parties – Labour, Conservative and Liberal Democrats – during non-campaign periods in particular, there is some inequality of access.

## Belgium

*value 7*

Access to the media and other methods of communication is not as fairly distributed as is the election registration process. Access to broadcast media is almost exclusively restricted to the largest political parties. Only these parties receive sufficient media time for pre-election “promotional shows,” and only these parties are invited to the main pre-election TV and radio debates. In addition, throughout the legislative period, these parties receive time slots on public TV channels for party

promotional broadcasts. However, all parties during the official campaign must follow strict rules which regulate issues such as time allocation during speeches, to ensure access is proportionally distributed among participating parties.

During the electoral campaign, political commercials on the radio, television or in movie theatres are forbidden (as per article 5 of the law on the restriction and control of election expenditures). That is why electoral campaigns concentrate the bulk of their messages in newspapers and in magazines. However, during the 2007 campaign, public debates were broadcast on both Walloon and Flemish TV. Since there are no parties that represent constituents in both language communities, there have been no televised debates on a national level.

Some newspapers are seen as offering preferential coverage for certain political parties; for example, *La Dernière Heure* trends favorably toward the Francophone liberals, *Het Laatste Nieuws* the Flemish liberals, and *De Morgen* the Flemish socialists. Some newspapers, such as *Le Soir*, *De Standaard* or *La Libre Belgique*, appear less biased in coverage and thus treat all political parties more equally.

While media outlets in both Wallonia and Flanders do not broadly cover political parties from the other cultural community, this is not considered as a serious sign of inadequate media access, as voters do not have the option to vote for parties from other cultural communities.

The *Vlaams Belang* (VB) party, because of its right-extremist character, is limited in its access to media and thus has not been treated equally during election campaigns. The media, especially in Wallonia, has on occasion completely ignored the party. This isolation is justified by the argument that VB is an openly xenophobic party, and tends to espouse non-democratic principles. The predecessor of VB, the *Vlaams Blok*, was banned as a party in 2004 by the Belgian Supreme Court of Justice.

## Greece

### *value 7*

In theory, candidates and parties have unrestricted access to the media and other means of communication. The constitution requires that information provided by the media must be objective and must treat all parties equally. Media coverage of elections is regulated by law 3023/2002, passed in 2002. The implementation of this law is supervised by the Secretariat General of Communication/Secretariat General of Information (a ministerial unit), the National Council for Radio and Television (an independent administrative authority) and an interparty elections committee, which is convened before each election and which includes representatives of all parties. Media coverage is balanced in the sense that parties' exposure on television and radio is roughly proportionate to their electoral strength, or to the share of the votes which they obtained in the previous election. In practice, parliamentary candidates are treated differently depending on their status and financial power.

The party of the incumbent government uses information campaigns, advertising new government policies, throughout its term in power. Each party is entitled to a

free ten-minute broadcast on a public or private radio or TV channel every week during electoral campaigns, which usually last approximately one month. However, parties spend the majority of their campaign budgets on additional television advertising, which is expensive. As a consequence, candidates and parties with fewer financial resources cannot compete equally. Candidates are given limits on political advertising expenditures, ranging between €18,000 and €35,000, depending on the electoral district.

## Hungary

*value 7*

Electoral and media laws aim at ensuring equal access. Each nominating organization putting up a candidate for parliamentary elections receives central funding commensurate with the number of candidates nominated. Nominating organizations and candidates may produce posters without permission and place them, subject to certain basic restrictions, at any place. Broadcasters can accept political advertisements for nominating organizations and candidates during electoral campaigns, but must offer equal conditions to all sides. While these provisions have leveled the playing field, the fairness of electoral campaigns has suffered from the strong politicization of the media, which has favored the bigger parties.

## Japan

*value 7*

In principle, all candidates and parties are to be treated fairly. However, due to the legacy of LDP domination in politics since the 1950s, major media have developed links to the world of politics, including personal links between elite party, bureaucracy and media members. This is particular true for the leading daily newspapers and for leading TV organizations like the quasi-governmental NHK. Media coverage is also influenced by press clubs and the necessity to respect them if one does not want to lose membership. Journalists often “personally” cover certain politicians, often from leading government parties rather than the opposition.

On the other hand, there are ample media in Japan. While the leading dailies can be considered tame, weeklies often present interesting and challenging investigative content. Media commercials preceding elections are regulated by electoral law passed in the early 1990s. In the 2005 general election, the LDP achieved its first “American-style” presentation of well-prepared TV commercials with simple, effective contents. Other parties were still not as advanced. Campaigning is naturally influenced by the financial means available. The 1994 electoral reform tightened rules on campaign contributions. In the mid 1990s, a system of public funding was introduced, based on a small but stable sum per head and year, with eligibility requirements restricted. While irregularities cannot be entirely excluded, the general tendency has been toward the enforcement of stricter rules.

## Poland

*value 7*

By law, candidates and parties are guaranteed equal access to media outlets during an electoral campaign. In practice, however, public media, most notably public TV stations, show a clear pro-government bias. In 2005, the State Election Committee responsible for the national parliamentary elections officially criticized the National Council of Radio and Television over the lack of equal access. Under the Law and Justice (PiS) government, the pro-government bias of the public media increased further. In the 2006 local and regional electoral campaigns, the public media took the side of parties that were part of the governing coalition. However, the public media's uneven coverage was balanced by the efforts of the vibrant and more pluralist private media.

## South Korea

*value 7*

The country's election laws provide fair opportunity of access to the media. To this end, the Election Broadcasting Debate Commission was established. The commission typically holds at least three TV debates during each election period, inviting candidates or party representatives which meet certain criteria. The allocation of TV debate time is based on the parliamentary strength of individual political parties. This criterion effectively ensures that all serious contenders are included, but not all candidates or parties. In addition, candidates and parties have access to the regular media and other means of communication in order to conduct their campaigns, but in a regulated way.

For example, presidential candidates can run only 70 newspaper ads, and 30 advertisements each on TV and radio. This measure is aimed at curbing excessive expenditure on campaigns. Although most newspapers tend to have political preferences, the print media as a whole does not blatantly discriminate against one political group in favor of others.

Major newspapers clearly tend to favor the conservative party and its candidates, but some other important newspapers, as well as major Internet publications, tend to favor progressive or liberal candidates. Election laws strictly regulate vote-buying and other irregularities which were a regular feature in South Korean elections before the mid-1990s.

However, a major problem with media coverage is the focus on personalities, rather than on political programs or issues. The importance of candidates' character and the frantic quest for scandals often leads to negative campaigning, in which fairness plays little role, and which often leads to victory for someone other than the most qualified candidate. The other major obstacle to electoral fairness is the relatively low levels of party organization and party loyalty, which makes it necessary to hire

campaign workers and invest huge amounts in advertisements and campaign events, effectively discriminating against smaller parties. Recent attempts to increase public financing of campaigns have not been sufficient to level the playing field in this respect.

## Spain

*value 7*

Broadcast and print media treat electoral campaigns as important political events and devote special attention to party activities. Television news programs, particularly on public stations, previously “packaged” electoral news, assigning time slots to parties as determined by their percentage share of votes. Newspapers, particularly national papers, dedicate a number of pages everyday to covering the upcoming elections. In this regard, and even discounting the agenda-setting, priming and framing strategies developed by the media vis-à-vis political events, neither parties nor candidates are damaged per se by the refusal or tight restrictions on coverage from media outlets.

Parties fielding candidates in at least 75 percent of districts receive a free broadcasting slot on public television of about 10 minutes, while larger parties receive up to 40 minutes of free air time. Fairness in the allocation of time slots is guaranteed by the Radio and Television Committee of the Central Electoral Board. This Board vigilantly supervises the public media in an effort to guarantee neutrality and objectivity.

Although the media system as a whole provides fair coverage of different political positions, the major media outlets in Spain exhibit a partisan bias toward the major Spanish parties, the Popular Party (PP) and the Spanish Socialist Workers Party (PSOE) – a tendency that is exacerbated by increased concentration of media around a few media giants.

## United States

*value 7*

For the most part, the major media give equal coverage to the two major parties. Minor parties, which have no realistic prospect of winning the presidency or seats in Congress, have limited access to the media. They are not covered because most of the audience would not regard their positions or activities as being relevant. In the print as well as electronic media, the opinion-based segments are overwhelmingly characterized by a healthy pluralism and frequently heated contentiousness. However, access to the media in terms of placing campaign advertisements depends on the financial resources of the candidates, and there is no discrimination on political grounds.

## Italy

### *value 6*

With regard to print media (newspapers and magazines), one must distinguish between the three to four main national newspapers which typically provide fairly balanced coverage of all the different political parties, and other less important but more politically engaged newspapers, which tend to privilege ideological positions of either the right or the left. With regard to private and public TV, political party and candidate broadcast access during electoral campaigns is strictly regulated by law (law 28/2000), which provides for the equal treatment of all parties. Candidates and parties are subject to an equal conditions law, which aims to ensure equal access to media. The law is implemented by the Guaranty Authority of Communications, which imposes sanctions when the law is violated.

TV and radio stations have to offer equal access to all parties for free, but limited, political advertising. Campaigning via the Internet is highly developed in Italy and has become a viable alternative to traditional communication channels. Outside the electoral period, political coverage is less balanced; yet state TV ensures a fundamentally balanced presentation of all party positions (with some advantage to the parties in government at the time). Privately owned TV stations, in contrast, are much more oriented toward center-right parties (as stations are owned predominantly by the leader of the center-right coalition). Mediaset, a commercial television network, is controlled indirectly by previous opposition leader Silvio Berlusconi. This led, during Berlusconi's premiership, to nearly 90-percent direct or indirect control of all national television broadcasters by the government.

Coverage of political positions by Italian television is traditionally quite poor and follows more or less a system of proportional statements by the most important political parties.

## Mexico

### *value 6*

Candidates and parties have largely equal opportunities with regard to media access. The media system at the national level, and especially the spectrum of existing newspapers, can be considered as pluralistic. News coverage of the last presidential campaign was intense and unbiased. The Federal Electoral Institute hired Mexico's leading audience measurement firm, IBOPE, to monitor campaign coverage. This group found that almost 90 percent of the news was neutral, containing no comment for or against any of the candidates. The remaining 10 percent did contain some comment, but did not show any specific bias in favor of or against any candidate. However, de facto restrictions on the media still remain, including a worrying concentration in the national broadcast TV market, and the continuing, illegal intervention by state politicians against critical and investigative journalism. These factors may hamper equal access.

The electoral law is designed to prohibit open bias in the media, but there are ways in

which the intention of the laws can be evaded. The country's electoral court has been critical of tactics used by business supporters of Felipe Calderon in the 2006 elections.

## Luxembourg

*value 5*

Media coverage is distributed rather unevenly between parties during the elections. All major newspapers are linked rather closely to one of the big parties and are therefore often partisan in their coverage. Broadcast media outlets provide a closer approximation of equal access, because government takes care that all parties get a minimum amount of air time. However, complete lists get more air time than the incomplete ones, as do the four big parties. This means in effect that party or list size is directly related to the ability to gain access to the media. Hence, small parties are right to claim that they are not treated equally in electoral campaigns.

## Turkey

*value 5*

Electoral candidates and political parties are guaranteed by law equal access to media outlets. Turkey's media covers the whole political spectrum, from the far left to nationalist parties and the religious right. However, individual media groups usually have their own biases, with some biases more pronounced than others. Coverage provided for opposition or minor parties in print varies from newspaper to newspaper, but in general a greater voice is given to the ruling government party, which controls the political agenda together with leading media organs.

*Indicator*      **Inclusive electoral process**

*Question*      **Do all citizens have the opportunity to vote in national elections, without facing discrimination?**

*30 OECD 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 = Adult citizens face no discrimination in voting, and all eligible voters can register.*
- 8-6 = Voting procedures are non-discriminatory. Voters can take concerns to courts.*
- 5-3 = Voting procedures are non-discriminatory, but discrimination occurs in practice.*
- 2-1 = Voting procedures are discriminatory, with groups of citizens excluded.*

## Austria

*value 10*

All Austrian citizens can participate in national elections. The active voting right is granted at age 16. All eligible voters are listed in a “voter evidence,” for which special registration is not necessary.

Austrian citizenship is a major aspect of exclusion in the electoral process, since the number of persons living legally in Austria who do not enjoy Austrian citizenship has increased significantly. Citizens of other EU member states with permanent residence in Austria, however, are entitled to vote in elections for the European Parliament and for local parliaments.

## Canada

*value 10*

The Canadian Charter of Rights and Freedoms provides for a constitutional guarantee of the universal right to vote in Canada. The process for electoral registering in Canada gives all citizens the opportunity to exercise their right of participation in national elections. Virtually every citizen 18 years old and over can vote once they have registered to do so. The registering process is straightforward, and no discrimination has been observed.

Since 1997, Elections Canada has maintained a permanent National Register of Electors. Agreements with other government departments are made to obtain information automatically on changes in a person’s status or address. The improvement of accessibility to the voting procedure, for example, as regards level access of polling stations or bilingual services of election officers at polling stations, is a major concern in Elections Canada’s work. During the 39th general election of 2006, only 0.2 percent of all polling sites in use did not provide level access.

## Czech Republic

*value 10*

The right to vote is not limited, and voter registration is relatively straightforward for Czech citizens. No fraud or illegal activities have been found in either the registration of voters or the counting of votes. Although absentee voting by mail is not allowed, there are special provisions for a movable ballot box that facilitates voting for the disabled and seriously ill. Since 2002, Czech citizens residing abroad have been allowed to participate in parliamentary elections by casting their votes at Czech embassies and consulates.

## Denmark

*value 10*

All persons entitled to vote automatically appear on the voter register and receive a voting card by mail that must be presented at polling stations. Persons unable to cast their votes on voting day are allowed to submit absentee ballots by mail. Polling locations are easily accessible, and special arrangements are made for the elderly, disabled and others.

Thus, on the one hand, it can be said that the electoral process in Denmark is inclusive. On the other hand, however, the process of identifying and appointing candidates to run for parliamentary office occasionally comes under debate. Of particular concern are the facts that the levels of party membership are declining and that there is a degree of dissatisfaction with the specific rules that some parties use to nominate candidates.

## Finland

*value 10*

Finland's electoral rules provide for secret ballots. All citizens of 18 years or more can vote, but voting is not compulsory. Finnish citizens living abroad are entitled to vote, but foreigners living in Finland are not (although permanent residents may vote in municipal elections). The Population Registration Center maintains a register of eligible voters, and sends a notification to those included in the register; consequently, citizens do not need to register separately to be able to vote.

To facilitate electoral participation, a system of advance voting was adopted beginning in the 1978 parliamentary election, and the proportion of ballots cast in advance has risen significantly since. In the 2007 national election, advance voting stations were maintained at more than 400 places throughout the country.

## France

### *value 10*

A citizen's right to participate in elections and referenda is the most important of French civil law, which stems from the French Revolution. To take part in elections, citizens must register themselves. In principle, this takes place without any kind of discrimination.

In practice, there are a few technical issues that can present difficulties; for example, when local authorities do not have available a complete list of citizens. It is also evident that citizens with immigrant backgrounds – even when they are French citizens – often do not register to vote as does the average French-born citizen. This "voluntary" exclusion from elections is, however, only caused on a limited basis by legal provisions. Following the unrest in Parisian suburbs over the last four years, civil rights groups have done their utmost to ensure young people from these problem areas register to vote and exercise their civil rights.

## Germany

### *value 10*

Any citizen in Germany who is 18 years or older, and fulfils the criteria for German nationality outlined in the Basic Constitutional Law, is entitled to vote. Only a court is able to take away a person's right to vote. Citizens must be registered on an electoral list, which is updated at regular intervals. Those who are prevented from voting in person are entitled to vote in advance by mail. This possibility, which can be utilized at very short notice, has become increasingly popular in recent years. There are no recently reported cases of citizens having difficulty in voting or being unfairly prevented from voting.

## Greece

### *value 10*

All Greek citizens have the right to vote, provided they are at least 18 years old. The voting registration procedure is effective, impartial and nondiscriminatory. Once registered, citizens can not be deprived of their right to vote, except by a court decision which declares them to be mentally or physically unfit, or deprives them of voting rights because of a severe criminal offense. This is not a common penalty, however. These criteria are prescribed by law, are objectively verified and are applied by independent judicial authorities. The constitution, as amended in 2001, gives Greek citizens living abroad the right to participate in elections. However, no law had been passed to implement this rule by the close of this period of analysis. Resident foreigners, including legal migrants, do not have the right to vote either in national or local government elections.

## Iceland

*value 10*

The national registry maintained by Statistics Iceland is used to identify all those who have reached the age of 18 on election day, are Icelandic citizens, and have maintained legal domicile in Iceland for four years prior to election day. This system functions well, with a possible exception in the case of Icelandic citizens such as students who are temporarily living abroad, but who are still registered as legal residents of Iceland.

For example, it has sometimes been more difficult for Icelandic students to vote while living in the Nordic countries than while in Southern Europe, because the Nordic countries' national registries are better coordinated, and are sometimes more particular about keeping correct records than are their southern counterparts. However, this has not been a major concern in Iceland. There have been no known cases of willful discrimination against individual voters or groups of voters; only minor, probably trivial, irregularities have occurred. No new problems relating to political participation have been reported in recent years, even though the number of legal immigrants from other countries has increased significantly.

## Italy

*value 10*

All Italian citizens at least 18 years of age can participate in national elections for the Chamber of Deputies (the country's lower house), while for the Senate, the voting age is 25. All Italian citizens registered in the country or living abroad are automatically included as part of the electoral lists, unless a citizen has lost the right to vote either temporarily or permanently. Voting rights can be lost when a citizen is bankrupt (for the duration of the bankruptcy), when a citizen is barred from holding public office, or when a citizen is subject to special security measures.

The registration process is automatically performed by local authorities, and effective guarantees make sure that all citizens are registered. Special provisions exist to enable the elderly or the handicapped to access polling places.

## Netherlands

*value 10*

Article 4 of the Dutch constitution guarantees the right to vote to all citizens 18 years and older with residence in the Netherlands. The electoral law elaborates upon this right, and this right can only be revoked by a court order following the completion of a full review process or when the individual suffers from a mental disability.

## New Zealand

*value 10*

New Zealand has an inclusive electoral process in which permanent residents have the right to vote in national elections. There is no observable discrimination in exercising the right to vote, although citizens who have been out of the country for more than three years are denied participation. Voting is also voluntary. All New Zealand citizens and permanent residents aged 18 and over can be registered as voters provided that they have spent at least one continuous year in the country at some time. In addition to legal regulations regarding voter participation, there are purposeful activities aimed at increasing the political efficacy and turnout of ethnic minorities such as Maori, Pacific Islanders and Asians. Most of these activities are products of the Electoral Commission's efforts.

In 2005, the Ministry of Justice commissioned a survey of voters' satisfaction with the electoral process. Deficiencies were found with regard to access to polling stations and information – whether Internet-based or on the spot – for voters with physical or learning disabilities. As a consequence of these findings, the Chief Electoral Office (in the Ministry of Justice), the Electoral Commission, and the Electoral Enrollment Center agreed upon an accessibility action plan for the next general election.

Annotation:

Elections NZ, "Access '08. Accessibility Action Plan for the 2008 General Election," produced by the Chief Electoral Office, the Electoral Commission, and the Electoral Enrollment Center (Wellington: Elections NZ n.d.).

## Norway

*value 10*

All Norwegian citizens 18 years old or more have the right to vote in parliamentary elections. In local elections, even 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.

Since 2005, this early voting procedure has taken place at specific locations, including Norwegian embassies abroad. Previously, it had been possible to vote in advance by mail, but the system was abandoned because it was perceived to be too expensive. 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, and arrange a school vote prior to reaching the age of voting eligibility.

## South Korea

*value 10*

The electoral process is generally inclusive and there is no observable discrimination with regard to exercising the right to vote. The voter registration procedure is fair and effective. The election law gives responsibility for making a list of eligible voters to the heads of district governments. If errors are found, voters are entitled to appeal to the National Election Commission.

All registered Korean citizens 19 years old or more have the right to vote. However, the country's Constitutional Court ruled in 2007 that it is unconstitutional to prevent Korean citizens living abroad from voting. The election law had to be changed accordingly by the end of 2008. Since 2005, foreign citizens who have resided in Korea for more than three years have been allowed to vote in local elections.

One major distortion in the election system remains the substantial difference in the size of electoral districts. The Constitutional Court ruled in 2001 that the populations of individual electoral districts should not differ by more than 50 percent. This is a major improvement over the previously vast differences, but it is still high by international standards.

Additionally, Korea has one of the world's lowest voter turnout rates for parliamentary elections. Although abstaining from voting could be interpreted as a sign of passive approval, surveys regarding the dissatisfaction of Koreans with their government and with democracy in general seem to support a more pessimistic view.

## Spain

*value 10*

The extent to which citizens can exercise their right of participation in national elections is extremely high, and limitations have to be stated specifically in electoral law. Assuming electors are Spanish citizens, are of minimum voting age (18 years), suffer no mental disabilities as declared by a judicial court, fulfill the residence requirements, and, in cases of prison inmates, have not been sentenced for crimes related to terrorism or been punished by losing their political rights – they have the subjective right to be included in the electoral register, and therefore to show up to vote on election day. Every individual denied the right to vote or to be registered as a voter is entitled to court appeal or to review possible incorrect decisions regarding their voting status.

## Sweden

*value 10*

All Swedish citizens who are at least 18 years old have the right to vote in parliamentary elections. In order to vote in elections for county and municipal councils, voters must also be registered in the county municipal council areas (for

census purposes). For these elections, EU citizens residing in Sweden as well as citizens of Iceland and Norway residing in Sweden also have the right to vote and are subject to the same conditions. Citizens within the European Union and citizens of Iceland and Norway also have the right to vote, subject to the same conditions. Since 1976, individuals who are not Swedish citizens have enjoyed the right to vote in elections for county and municipal councils as long as they have been registered as residents of Sweden for at least three years.

In addition, in order to vote, a person must be listed on the electoral roll, which is compiled by the Election Authority using information from the population registration database of the Swedish Tax Agency 30 days before the election. If a person wants to make a correction on the electoral roll, he or she must notify the County Administrative Board in writing no later than 12 days before the election.

## Switzerland

*value 10*

Every Swiss national 18 years old or more is entitled to vote. Citizens resident in Switzerland are automatically registered to vote, and receive voting material weeks before the actual election. Swiss nationals living abroad must register to vote themselves.

## Australia

*value 9*

Voter registration and voting itself each are compulsory for all eligible Australian citizens. The system of compulsory voting overseen by the electoral commission is strictly enforced, and turnout in national elections averages 95 percent, thus ensuring near-universal participation of those who are registered to vote.

Eligibility to vote is restricted to Australian citizens 18 years and older. The only exception is British citizens, provided they were already on the electoral roll by January 25, 1985. Australian citizens living overseas may enroll to vote, based on the constituency in which they last lived prior to moving overseas. There are also special provisions for voters resident in the Antarctic and other offshore territories. AEC decisions on individual enrollment matters can be (and often are) challenged in the courts.

Recently, concerns have arisen that certain groups will be disenfranchised by new restrictions on enrollments introduced in 2006. Under these rules, no new enrollments will be accepted once an election is called. Groups adversely affected are the young and the itinerant. In addition, prisoners serving terms of three years or more are not entitled to vote in federal elections. Legislation passed in 2006 to prevent prisoners serving shorter terms from voting was overturned by the High Court in August 2007.

## Belgium

*value 9*

All eligible voters can equally participate in national elections. Voting is compulsory in Belgium; non-voters must pay a penalty of €25-50 or possibly more for repeated abstentions. Non-voters may also face difficulties when applying for public sector jobs. Non-Belgian residents and Belgians living abroad may register to vote on a voluntary basis.

A significant obstacle to equal voter participation is a linguistic one, as voters receive electoral documents in the official language of the region in which they live. They thus need to be able to speak the language at a level that would allow them to understand the documents.

## Hungary

*value 9*

The electoral process is largely inclusive. In principle, all adult citizens 18 years or older are allowed to participate in national elections, and there is no evidence of discrimination. While there is no postal vote, special provisions for allowing disabled and ill citizens to vote by means of a movable ballot box exist. However, the inclusiveness of the electoral process is restricted by a blanket disenfranchisement of convicted prisoners, which conflicts with the provisions of the European Convention on Human Rights.

## Japan

*value 9*

All adult citizens can participate in national elections, with all eligible voters registered if they wish to be. There is no observable discrimination in exercising the right to vote. Nonetheless, there is a question with respect to material openness, or to whether each citizen has a chance of being chosen as a candidate and a nonzero chance of being elected. In fact, well-connected citizens are more likely than others to be elected and – by extension – to be chosen as candidates. For instance, politicians' sons and daughters frequently take over from their parents (usually fathers), forming political dynasties.

Another serious issue is the disproportionate weight of votes in urban and provincial areas, given the different size of constituencies. Provincial areas still carry much more weight than urban ones, despite changes in the past decade. In a mid-2005 judgment, the Supreme Court ruled that the 2004 upper house election was constitutional despite the fact that the weights of single votes had varied by a factor of more than 5 to 1, depending on the region.

## Poland

*value 9*

The right to participate in elections is safeguarded by the 1997 constitution and bylaws and is respected by the government administration. Some problems exist for the large number of Polish citizens who live outside Poland and for the disabled or seriously ill. Since migrants are not allowed to vote by mail, they often have to travel long distances to a Polish embassy or consulate if they want to vote. The electoral participation of the disabled or seriously ill is complicated by the lack of absentee voting by mail and of movable ballot boxes. Sometimes it is also difficult for disabled citizens to access polling stations.

## Portugal

*value 9*

In practice, it is safe to say that no active discrimination exists against particular classes of citizens in terms of their right to vote. The right to vote is extended to all adults 18 years or older who are Portuguese citizens. There are no restrictions based on educational qualifications, income, ethnicity or gender. A 2001 treaty between Portugal and Brazil also extends political rights to Brazilian citizens equal to those enjoyed by Portuguese citizens, although the regulations allowing this have been only slowly implemented. In elections for the European Parliament, EU citizens residing in Portugal also enjoy voting rights. In local elections, citizens of EU member countries can vote under conditions of reciprocity.

The same holds true for all citizens of Portuguese-speaking countries and other countries, as long as there are reciprocity agreements between the respective nations and the individuals have resided legally in Portugal for two and three years, respectively. The only adult individuals prevented from voting are those who have been deemed mentally incompetent following a judicial or medical review or who have lost political rights as a result of a judicial decision. Appeals from decisions concerning exclusion from the lists of citizens entitled to vote can be made to district courts, while appeals from decisions by those courts are handled by the Constitutional Court.

## Slovakia

*value 9*

The electoral process is largely inclusive. Almost all citizens above 18 years of age can participate in elections. There is a special electoral register for traveling communities, most notably Roma, and other Slovak citizens without permanent residence in the country. In the 2006 parliamentary elections, Slovak citizens abroad were allowed to vote by mail for the first time. However, electoral participation is

restricted by the blanket disenfranchisement of convicted prisoners, which is not in line with the European Convention on Human Rights.

## United Kingdom

### *value 9*

Every adult citizen can participate in national elections. Restrictions on the right to vote apply in three clearly identifiable cases: criminal incarceration, mental disability and membership in the House of Lords. To vote, one needs to be on the electoral register, which is kept by local authorities and updated every year on the basis of obligatory house-to-house canvassing.

Eight to nine percent of the electorate are non-registrants. The current system is weakened by the fact that more than half of the non-registrants (52 percent in 2000) live with parents, have moved within the last six months or rent from private landlords. Ethnic minorities are also underrepresented among registrants. Recommendations currently under consideration include moving entirely to individual registration to prevent fraud and introducing a national electronic register.

## Ireland

### *value 8*

Voter eligibility for election to the House of Representative extends to Irish citizens over the age of 18 as well as to British citizens with resident status in Ireland. In order to vote, citizens must be listed in the voter register. Voter registers are compiled annually by registration authorities at the county and city levels and are published on November 1 for public review. The final register is published annually on February 1. If citizens find that their names are missing from the final voter register, they can apply to be included in a supplemental register up to 15 days before polling takes place. This application must be witnessed by a police officer.

The years 2006 and 2007 were particularly active for the Department of the Environment, which is responsible for the compilation of the register. Following critical media reports, the department undertook a special initiative to update the register by creating a Web site allowing citizens to check their registration status, a media campaign to encourage registration and the deployment of 1,500 field workers going door-to-door to encourage registration and to reduce discrepancies in the register. It remains clear that the register is inaccurate, and the incoming government has indicated that the entire system needs to be overhauled so as to ensure that everyone who should be registered is, that nobody is registered more than once, and that deceased people and those living abroad are not registered.

The main opposition party Fine Gael (FG) and some student organizations voiced some concern that the scheduling of the election on May 24, 2007 – a Thursday – made voting difficult for students and workers living and working in areas other than those in which they were registered to vote. They argued that scheduling the vote on

a Friday or weekend would have avoided this problem.

## Luxembourg

*value 8*

In order to take part in elections either actively and passively it is necessary to be a citizen of Luxembourg, to be at least eighteen years old on the day of the elections, to have full civil and political rights and to be domiciled in the country. Luxembourgers living abroad can vote by mail. Hence, there is no observable discrimination.

However, 42 percent of the resident population is excluded from national elections because they are not citizens of Luxembourg. Of those, 86 percent are EU citizens, and can therefore participate in European and local elections, provided they fulfill certain residency requirements and are registered on the electoral list. This large resident population's exclusion from national elections has been an important issue in the political debate in recent years, marring the country's full equality of opportunity with respect to voting rights.

## Mexico

*value 8*

Overall, Mexico's national electoral process can be considered to be democratic and inclusive, even if some deficiencies still exist. In most of the northern and urban parts of the country, the voter registration and balloting processes are effective, impartial and nondiscriminatory. However, in some southern and rural parts of the country, fraudulent electoral irregularities might occur. Voter registration involves production of an identity card. This is as inclusive a procedure as possible, but its effect may be to dissuade some less-educated Mexicans from registering to vote. Turnout among registered voters is reasonable, reaching around 59 percent in the most recent presidential elections and 42 percent in the most recent midterm elections.

This midterm ballot was the first in which Mexicans living abroad were able to vote – a very relevant issue, since more than 4 million Mexican citizens are estimated to live in the United States. However, the system designed after input from all political parties was so difficult that participation was almost negligible. The problem is that the reliability of the electoral system rests on the registration process, which allocates votes and voters to specific poll sites. Hence the registration of voters living abroad became so burdensome that almost nobody registered to vote, let alone voted.

## Turkey

*value 8*

Voter registration is in general fair; if registration authorities fail to register an eligible voter, the voter is able to easily correct the oversight. There is no observable discrimination of individuals or groups in exercising the right to vote. An independent judiciary deals with all voter complaints; opposition parties have not at the time of writing raised any serious claims of voting irregularity.

The Supreme Board of Election is the sole authority in the administration of Turkish elections. The General Directorate of Electoral Registry prepares, maintains and renews the national electoral registry. The electoral registry is, however, not reliable. There are complaints over its management and a considerable number of citizens are not registered. Despite a constitutional statute establishing the voting method for Turkish nationals abroad, this statute at the time of writing is still not regulated by law.

## United States

*value 8*

In principle, all adult citizens are guaranteed the right to participate in national elections by constitutional and other law. Moreover, the voter-registration procedure is in principle effective, impartial and nondiscriminatory. Every individual denied the right to vote or to be registered as a voter is entitled to appeal to a jurisdiction competent to review such decisions and to have any errors corrected promptly and effectively. Every voter has the right of equal and effective access to a polling place so as to exercise his or her right to vote. There is no overt or intentional discrimination against participating in national elections.

Much of the control of election administration is decentralized to the state and even county or municipal governments. Eligible citizens generally face no severe obstacles to registration. However, some states have relatively difficult registration processes, for example, requiring registration several months in advance of an election. These practices are thought to disadvantage lower-income residents and those who move from one state to another. In contrast, some states (e.g., Minnesota) permit same-day registration, that is, registration in the same transaction as voting. Differences in registration laws have accounted for significant differences in registration rates among states.

This report is part of the Sustainable Governance Indicators 2009 project, which assesses and compares the reform capacities of the OECD member states.

More on the SGI 2009 at [www.sgi-network.org](http://www.sgi-network.org)

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