

SGI Sustainable
Governance
Indicators

2014 Electoral Processes Report

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



Indicator

Candidacy Procedures

Question

How fair are procedures for registering candidates and parties?

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

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

Australia

Score 10

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

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

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

Austria

Score 10

The Austrian constitution and the laws based on the constitution are consonant with the framework of liberal democracy. They provide the conditions for fair, competitive, and free elections. Parties based on the ideology of National Socialism are excluded from participation, but there has

never been an attempt to exclude other parties considered to be outside the accepted mainstream of democracy (such as the Communist Party). Persons younger than 16 years of age cannot vote or stand for office.

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

The outcomes of Austrian elections are broadly accepted, and there is rarely any dispute over who or which party has won.

Canada

Score 10

The right to be a candidate in a federal election is laid down in the Canadian Charter of Rights and Freedoms, with the associated procedures and responsibilities specified in the Canada Elections Act. There are virtually no restrictions on becoming a candidate for election. Almost all Canadian citizens 18 years old or over can present themselves as candidates for federal elections. Exceptions include members of provincial or territorial legislatures, certain judges, election officers, persons who were candidates in a previous election but who did not conform to the expense-reporting rules, and persons imprisoned in a correctional institution. There is no cost to being a candidate in a federal election. A CAD 1,000 deposit is required, but this is reimbursed if the candidate's official agent submits the electoral campaign return after the election within the prescribed time. Administrative procedures are not onerous (a nomination form is required containing signatures by either 50 or 100 persons residing in the constituency in which the candidate wants to run, with the number depending on the electoral district's population).

Czech Republic

Score 10

Electoral registration procedures are fair and transparent. The procedures for the registration of parties and of candidates in parliamentary elections have remained unchanged. Reasonable requirements are set by the new rules for the registration of candidates for the presidential elections were introduced as part of the transition from an indirect election of the president by an electoral college composed of the two chambers of the Czech Parliament to a direct popular vote. Candidates require support by Parliament or 50,000 signatures from voters. In the first round of the presidential elections in January 2013, eight candidates ran.

Denmark

Score 10

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

Citation:

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

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

Estonia

Score 10

The principles of fair and free elections are laid out in the Estonian constitution. Estonia has a proportional representation electoral system, which means that most candidates are registered within party lists. The composition of party lists is a matter of internal procedures that are set by the statute of the political party. All registered political parties can nominate their candidates. Besides political parties, two or more citizens can form an

election coalition to participate in municipal elections. Municipality electoral committees register election coalitions. Every person who has the right to stand as a candidate may nominate him or herself as an independent candidate. Independent candidates can participate in local, general and European Parliament elections.

The Estonian president is elected by the parliament. At minimum one fifth of parliament members can nominate a candidate.

Citation:

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

Finland

Score 10

The electoral process in Finland is free and fair, and the Finnish constitution grants Finnish citizens the right to participate in national elections and referendums. Registered political parties have the right to nominate candidates; however, under the principle that all voters have the right to influence the nomination process, electoral associations of at least 100 enfranchised citizens also have the right of nomination. Admittedly, the role of these associations has been fairly marginal. Candidates for presidential elections can be nominated by any political party that is represented in parliament at the time of nomination; again, however, candidates may be nominated 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 signatures of 5,000 supporters, a party may be reregistered.

Citation:

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

France

Score 10

The electoral process is fair at all levels, and controls by ad hoc commissions or the judiciary ensure the smooth running of elections. There are some restrictions to assure that only serious candidates stand in presidential contests. These include a requirement that each potential candidate has to obtain 500 signatures of support from elected persons, such as mayors or senators, from a third of French départements, or counties, to prove his or

her political relevance. In addition, candidates must pay a deposit of €15,000. But these restrictions do not limit the number or variety of political backgrounds of candidates. In most elections, local as well as national, many candidates decide to run as they often can benefit from advantages that help facilitate the variety of candidates, such as the free provision of electoral materials or a partial reimbursement of expenses for candidates who win more than 5% of the vote. Fraud is exceptional, and has been limited to a few regions such as Corsica or overseas territories. Some limitations are imposed on anti-constitutional parties that espouse terrorist or violent means to power. These restrictions are exceptional and are confirmed by administrative tribunals yet can easily be bypassed.

Germany

Score 10

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

The Political Parties Act (Parteiengesetz, PPA) sets general criteria for the treatment of political parties and candidates. While independent candidates have to fulfill a signature-gathering prerequisite (modest by international standards) in order to qualify for the ballot, parties must meet strict organizational requirements (PPA Section II). If parties have continuously held at least five seats in the Bundestag or a federal-state parliamentary body (Landtag) during the last legislative period, they are allowed to contest the election without any initial approval by the Federal Election Committee (Bundeswahlausschuss, FEC). Currently nine parties fulfill these requirements, including the rightist National Democratic Party of German (Nationaldemokratische Partei Deutschlands, NPD), which remains under observation by the German intelligence services. All other parties have to register formally with the Federal Returning Officer (Bundeswahlleiter, FRO) at least 97 days before the date of elections, and must obtain at least 2,000 signatures in order to offer a list of party candidates on the state level.

In its report on Germany's last general election, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) concluded: "A broad range of political parties and candidates contested the election, ensuring a wide and genuine choice of political alternatives for the electorate" (ODIHR 2009: 1). However, the ODIHR also suggested that more precise and measurable criteria be developed to decide which parties were eligible to participate in elections.

Finally, it must be emphasized that no irregularities with respect to the application of the rules described above have been reported.

Greece

Score 10

There is no discrimination in registration procedures and no potential candidates or parties are prevented from participating in elections. There are of course incompatibilities (e.g., one cannot be a parliamentary candidate while still serving in the army as a professional officer). With regard to candidacy, the only exception is the case of some prisoners guilty of serious crimes who have been deprived of their voting rights for a given period of time.

Before elections, parties and candidates are required to submit a petition to the highest civil and criminal court (Areios Pagos) which only controls formalities (e.g., checking if the name of a party is the same as another one).

Citation:

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

Iceland

Score 10

Virtually every Icelandic citizen 18 years or older can run for parliament, with a few exceptions. Judges serving on the Supreme Court (Hæstiréttur) are ineligible to run for parliament, as are individuals who have been convicted of a serious felony after the age of 18, and those who have been sentenced to four months or more in custody. These restrictions do not apply in local-government elections, but the 18-year-old minimum age is the same. In local-government elections, citizens from other Nordic countries who have had permanent residence in Iceland for at least three consecutive years can stand as candidates. The registration process for candidates and parties is transparent and fair.

The minimum vote share candidates need to be elected to parliament was recently raised; a political party now either has to win a seat outright or obtain 5% of the general vote to win a parliamentary seat, a high threshold by European standards. As a consequence, 12% of voters have no representation in the parliament elected in April 2013. Moreover, two parties that attracted 51% of the vote obtained 60% of the parliament seats, and were able to form a coalition government.

Citation:

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

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

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

Ireland

Score 10

Candidacy procedures are fair and do not overtly discriminate against parties or groups. There have been no changes in this area in recent years, but some relevant issues are being considered by the Convention on the Constitution. Ireland is “famous for electing more independents than the rest of Europe together,” (Gallagher 2011) and this practice rose to a new high at the watershed 2011 election when 14 independents were elected to the Dáil.

Citation:

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

Luxembourg

Score 10

Electoral law presents no restrictions in registering a party for election. There are no restrictions regarding candidates, except the provision that those deprived of their civic and political rights by a judicial decision are prevented from running. Candidate lists, complete or partial, are proposed for each of the four electoral districts by political parties, associations of candidates or individuals. The lists are supported either by 150 voters registered in the district, by an elected member of parliament from the district, or by three members of municipal councils. The electoral lists can consist of single individuals who are not affiliated to a political party; a quite frequent phenomenon. Typically in this case single issues are the motivation. The total number of candidates on a list cannot exceed the number of seats to be allocated.

Citation:

Loi électorale du 18 février 2003

Netherlands

Score 10

Electoral law and Articles 53–56 of the constitution detail the basic procedures for free elections at European, national, provincial and municipal levels. The independence of the Election Council (Kiesraad) responsible for supervising elections is stipulated by law. All Dutch citizens residing in the

Netherlands are equally entitled to run for election, although some restrictions apply in cases where the candidate suffers from a mental disorder, a court order has deprived the individual of eligibility for election, or a candidate's party name is believed to endanger public order. The Dutch electoral system is highly accessible. Anyone possessing citizenship – even minors – can initiate a political party with minimal legal and financial constraints

New Zealand

Score 10

The registration procedure for political parties and individual candidates in New Zealand, as specified in the 1993 Electoral Act, is fair and transparent. Compliance is monitored by the independent and highly professional Electoral Commission. Following the Electoral (Administration) Amendment Act 2010, the tasks of the Electoral Commission and of the Chief Electoral Office have been combined within the Electoral Commission, which started work in October 2010. The aim has been to avoid the duplication of functions and to enhance efficiency. These changes however do not affect the fairness of the electoral process.

Citation:

Annual Report of the Electoral Commission for the year ended 30 June 2012 (Wellington: Electoral Commission 2012).

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

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

Norway

Score 10

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

Poland

Score 10

Regulations over the electoral process were consolidated within the Election Code in January 2011. Provisions on the registration of parties and candidates ensure a fair registration procedure. Parties representing ethnic minorities are given favorable treatment, as they are allowed to collect fewer signatures than required of “normal” parties to take part in elections. The Election Code also introduced a gender quota of at least 35% (of either sex)

in the candidate lists for the Sejm (Sledzińska-Simon and Bodnar 2013). In the October 2011 parliamentary elections, there were 11 different candidate lists, seven of them nationwide. As the new gender quota did not include any particular placement mechanism, the share of female members of parliament increased only modestly as compared to the 2007 elections.

The Organization for Security and Co-operation in Europe (OSCE) and other observers criticized the fact that independent candidates may not run alone in parliamentary elections, and that the deadlines for submitting and verifying signatures are ambiguous (OSCE/ ODIHR 2011). In a much-publicized case, the Congress of the New Right party was refused nationwide registration as the various constituency election commissions in charge of verifying registration interpreted the relevant deadlines differently.

Citation:

OSCE/ ODIHR, 2011: Election Assessment Mission Report: Poland, Parliamentary Elections, 9 October, 2011 (<http://www.osce.org/odihr/elections/87024>).

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

Slovakia

Score 10

The procedures for registering candidates and parties in Slovakia are fair and transparent, and were not changed in the period under review. Candidates for presidency must be nominated by at least 15 members of the unicameral National Council or document support from at least 15,000 voters. The registration of parties that want to take part in the national elections requires 10,000 signatures. Moreover, registered parties must make a deposit of about €16,500, which is returned only to parties which receive at least 2% of the vote. The introduction of this requirement in 2004 has not led to a decline in the number of parties participating in national elections.

Slovenia

Score 10

In Slovenia, the legal provisions on the registration of candidates and parties provide for a fair registration procedure for both national (parliamentary, presidential) and local (mayoral, council) elections. Registration requirements are straightforward and not very demanding. To establish a party, only 200 signatures are needed. The registration requirements for national parliamentary elections favor parties represented in Parliament. Unlike non-parliamentary parties or non-party candidates, they are not required to collect voter signatures. Candidates for the presidency must document support from at least three members of parliament or 5,000 voters. At local elections, a

candidate for mayor and candidate or list of candidates for a municipal council can be proposed either by political parties or by a specified number of voters, which is dependent on the size of a municipality. Candidate lists for national parliamentary elections must respect a gender quota. On each list of candidates, neither gender should be represented by less than 35% of the total number of candidates on the list.

Sweden

Score 10

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

Candidates are selected and ranked within the party organizations with essentially no public rules guiding the process. Political representation in Sweden is overwhelmingly collective representation. Since 1998, there has been the opportunity to indicate preferences not just for a particular party but also for specific candidates, but voters tend to vote for parties rather than for individual candidates. This culture of representation gives parties a central role in candidate selection.

Citation:

SOU 2007:68 Ett decennium med personval [A decade of personalized voting] (report from a Royal Commission) (<http://www.sweden.gov.se/content/1/c6/08/99/85/fc04f7e0.pdf>)

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

Switzerland

Score 10

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

With regard to active and passive voting rights, there is the obvious problem that in 2012, 23% of the total Swiss population and 29% of the country's civilian workforce held foreign citizenship, a much higher share than in other countries. Furthermore, some experts argue that the rules governing naturalization are rather strict, making the acquisition of Swiss citizenship costly, time-consuming and frequently even insulting for applicants. For example, citizenship can be claimed only after 12 years of residence, while the administrative process of naturalization takes one to three years, including interviews and a considerable cost of about €2,250 for a family with two small children (this example is taken from the city of Thun, Canton Bern).

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

To date, Switzerland has dealt with these problems somewhat slowly and hesitantly. For example, some notable liberalizing changes were adopted with regard to naturalization (e.g., costs have been substantially reduced) and with regard to passive voting rights in some cantons and local communities. In contrast, the first chamber of parliament has taken a more restrictive stance as it has sought to revise the law of citizenship – arguably in response to growing unease among ordinary citizens over the rising share of foreigners.

United States

Score 10

Procedures for registering parties and candidates are fair and nondiscriminatory. State governments determine the requirements for ballot access, so the details vary across states. All states, however, require a party or candidate to collect signatures on a petition and to file the petition by a specified deadline. Parties and candidates who meet the requirements are included on the ballots. In addition to the dominant Democratic and Republican parties, several minor parties or independent candidates are often included. In some cases, the requirements may be a burden for smaller parties or independent candidates in primary elections. Candidates who get a late start, or who lack organization or financial support, may fail to qualify. In fact, in the 2012 Republican presidential nomination contest, several major candidates did not qualify for the Virginia primary, and one of them, former Speaker of the House Newt Gingrich, criticized the complexity of the signature requirements. But, in general, ballot access has not been controversial, and no major problems were reported in the last election cycle.

Bulgaria

Score 9

The registration of parties and candidates is broadly fair and transparent. According to the 2011 Election Code, which for the first time covers all elections, the registration of candidates for elections involves two steps. The first is to register a party, a coalition of parties or a nominating committee with the central electoral commission. The second step comprises the nomination of candidates by registered parties, coalitions or nominating committees. For the registration of parties or nominating committees, a bank deposit and a certain number of citizen signatures are required. The existing requirements are reasonable – they are not too stringent to prevent serious parties and candidates from registering, but do to some extent prevent a confusingly large number of participants in the elections. What is more controversial are the personal requirements for candidates, partly enshrined in the Bulgarian constitution. Under the present legislation people holding citizenship of a country outside the European Union are not allowed to run in elections. While this provision has not played any role in practice yet, international observers have criticized it for violating the European Convention on Human Rights.

Citation:

European Commission for Democracy through Law (Venice Commission), OSCE Office for Democratic Institutions and Human Rights, 2011: Joint Opinion on the Election Code of Bulgaria, CDL-AD(2011)013, Strasbourg (<http://www.osce.org/odihr/80841>).

Croatia

Score 9

Candidacy procedures and the opportunity of participating in elections are largely fair and do not suffer from major procedural restrictions. However, participation in parliamentary elections is easier for registered parties than for independent lists. Whereas the latter must collect a certain number of signatures, political parties must do so only for the presidential elections, as well as for local elections when prefects and mayors are elected. This discrepancy has led a group of voters to appeal to the Constitutional Court, claiming that all those who participate in elections should collect citizens' votes, so that conditions of participation would be the same for all. One peculiarity of Croatian electoral law is that a list of candidates can be headed by people who are not actually candidates. In the run-up to the 2011 parliamentary elections, there was some legal uncertainty over the candidacy of Branimir Glavaš, who had been convicted of war crimes and was serving a prison sentence in Bosnia and Herzegovina.

Citation:

OSCE / ODIHR, 2012: Republic of Croatia – Parliamentary Elections, 4 December 2011. Limited Election Observation Mission Final Report. Warsaw.

Cyprus

Score 9

Candidates for elected offices must meet minimum requirements that relate to citizenship, age, mental soundness and criminal record. Candidates for the presidency of the republic must belong to the Greek community. Citizens of other EU states are eligible to seek other local posts in local elections, and can serve as members of local elected bodies but not as heads or deputy heads. Citizens from non-EU states cannot vote or stand for electoral office. Candidates cannot simultaneously hold public office and/or a post in the public service and/or a ministerial portfolio and/or an elected office.

According to the constitution the president of the republic must be at least 35 years of age, while members of parliament must be at least 25 years. Candidates for the head of a municipality or community must be at least 25, while municipal or community council members must be at least 21. Procedures for the registration of candidates are clearly defined, reasonable and open to media and public review. Candidacies must be proposed and supported by a small number of registered voters: two for local-office candidates, four for parliamentary candidates, and nine for presidential candidates.

A financial deposit is also required, ranging from €85 (community elections) to €1,710 for presidential candidates.

Citation:

1. The Constitution of the Republic of Cyprus, available at, [http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)
2. The Law on the Election of the members of the House of Representatives, L.72/1979, available in Greek at, http://www.parliament.cy/parliament.gr/002_08_01.htm
3. The Municipalities Law, 11/1985, English translation available at, <http://www.ucm.org.cy/DocumentStream.aspx?ObjectID=966>
4. The Communities Law, 86(I)/1999, available in Greek at, http://www.ucm.org.cy/downloads/nomos_koinotiton.pdf
5. OSCE/ODIHR Election Assessment Mission Final Report, Republic of Cyprus, Parliamentary Elections 22 May 2011, Warsaw, 7 September 2011, available at, <http://www.osce.org/odihr/elections/82242>

Israel

Score 9

Israel is an electoral democracy. While it does not have an official constitution, one of the basic laws (The Knesset, passed in 1958) that hold special standing in the Israeli legal framework provides for general, free, equal, discrete, direct and proportional elections, to be held every four years. This basic law promises equal opportunity for each Israeli citizen (as well as

Jewish settlers in the territories) to vote and to be elected, with certain reasonable restraints.

To be elected to the Knesset, a candidate must be a citizen over the age of 21 who has not been incarcerated for any three-month period in the seven years prior to the nomination (unless authorized by the head of the Central Elections Committee). If the nominee has previously held a prominent public office (as specified in the law), he or she must wait expires specified amount of time before again standing for election.

Under the country's 1992 law on political parties, the Central Elections Committee is in charge of organizing elections and tallying votes. The committee is also authorized to reject a nominee or a party list based on any of three conditions:

- If it rejects Israel's Jewish and democratic identity;
- If it supports another country's armed battle against Israel and/or supports a terror organization; or
- If it incites racism.

Due to its significant weight in the electoral process the committee is chaired by a Supreme Court judge and is constituted on the basis of a proportional-representation system that allows each faction in the Knesset a voice. The group's membership, which has both a political and judicial component, ensures proper conduct.

The committee must receive authorization from the Supreme Court in order to disqualify a nominee. In the 2013 elections, the committee disqualified the nomination of parliamentary member Hanin Zohabi, a Balad party representative, claiming that she was in breach of Article 2 of the Knesset basic law. The decision was reversed by the Supreme Court. Of the 10 disqualifications made by the elections committee over time, the Supreme Court has upheld only three: the Arab Socialist List (1964), the far-right extremist Kach party (1988, 1992) and its splinter group Kahana Chai (1992). The latter two were banned for racism.

Citation:

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

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

Basic Laws: "The Knesset." Knesset official website, accessed: 27.8.2013.

www.knesset.gov.il/description/eng/eng-mimshal_yesod1.htm (English)

Italy

Score 9

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

As the electoral law is based on electoral lists within individual political parties, electors have no option of preferring a single candidate and instead have to accept the whole party ticket. This is one of the reasons why there is discussion on electoral law reform.

Japan

Score 9

Japan has a fair and open election system with transparent conditions for the registration of candidates. The registration process is efficiently administered. Candidates have to pay a deposit of JPY 3 million (about €23,200 as of April 2013), which is returned if the candidate receives at least one-tenth of the valid votes cast in his or her electoral district. The deposit is meant to deter candidatures that are not serious, but in effect presents a hurdle for independent candidates. The minimum age for candidates is 25 for the lower house and 30 for the upper house. There have been no relevant changes in recent years.

Latvia

Score 9

Candidacy procedures provide everyone with equal opportunity to become a candidate for election. Some restrictions related to Latvia's Soviet past are in place.

While political parties are the only bodies with right to submit candidate lists for parliamentary elections, electoral coalitions of several parties have never been abolished, and are indeed the rule. At the local government level, this party-list restriction applies to all large municipalities. However, candidates in small municipalities (less than 5,000 residents) have the right to form voters' associations and submit nonpartisan lists. The restriction to partisan lists has

been deemed limiting by the Organization for Security and Cooperation in Europe (OSCE). In 2013, a voters' association in Jurmala mounted a legal challenge to this restriction, seeking review of the rule by the Constitutional Court.

Registration as a political party is open to any group with at least 200 founding members. The registration procedures themselves present few barriers. However, in 2012, the Enterprise Register (Uzņēmumu Reģistrs, UR) refused an application for a name change and statutory amendments submitted by an existing party, ruling that the party program advocated changing the core values of the country's constitution. Although the subject of academic discussion, a delineation of core values is not legally enshrined in the constitution. It is expected that the appeal process on this UR decision will be lengthy. However, the party in question face no limitation on its activities, and participated in the 2013 municipal elections.

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

Citation:

1. The Saeima Election Law, Article 5 and 6, Available at: <http://web.cvk.lv/pub/public/28126.html>, Last assessed: 17.05.2013
2. Report on Parliamentary Elections, 2011, p. 1, Available at: <http://www.osce.org/odihr/elections/Latvia/86363>, Last assessed: 17.05.2013
3. Valts Kalniņš (2011), Assessment of National Integrity System, p.99, Published by DELNA, Available at: http://www.transparency.org/whatwedo/pub/national_integrity_system_assessment_latvia, Last assessed: 21.05.2013.
4. Report on Parliamentary Elections 2011, p.1, Available at: <http://www.osce.org/odihr/elections/Latvia/86363>, Last assessed: 17.05.2013

Lithuania

Score 9

Lithuania's regulations provide for a fair registration procedure for all elections. In general, neither individual candidates nor parties are discriminated against. Minimal requirements for establishing a political party and registering candidacies produced a large number of candidates in the 2012 parliamentary elections. Independent candidates as well as party-affiliated candidates can stand for election. However, a few provisions should be noted. The provision that "any citizen ... who is not bound by an oath or pledge to a foreign state... may be elected" does not conform with the evolving jurisprudence of the European Court of Human Rights on matters of dual citizenship. That court also ruled that imposing a lifetime ban on standing for elected office on former President Paksas, who was impeached in 2004, was a disproportionate punishment. The electoral legislation on this issue has been amended, but the relevant provisions in the constitution remain valid.

Citation:

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

Malta

Score 9

Elections are regulated by the constitution and the General Elections Act. The system used in Malta is the Single Transferable Vote (STV). Candidates can stand either as independents or as members of a political party. Parties can field as many candidates as they wish, and candidates may choose to stand in two electoral districts. If elected in both districts, a candidate will cede their second seat with a by-election then selecting a replacement. The system allows for a diversity of candidates and restrictions are minimal, though legal restrictions based on residency and certain official functions may be viewed as constricting the electoral process. There is also no official minimal threshold for parties to gain access to parliament. As the unofficial threshold is said to be around 16%, Malta essentially remains the only European state where only two parties are represented in parliament.

Portugal

Score value_6

Individuals and political parties enjoy largely equal opportunities to register for and to run in elections, both de jure and de facto. Parties espousing racist, fascist or regionalist values are all constitutionally prohibited, as are parties whose names are directly related to specific religious communities. However, these rules are rarely applied, and the small, extreme-right National Renewal Party (Partido Nacional Renovador, PNR) was allowed to contest the June 2011 legislative elections.

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

These requirements do not generally prevent new parties from forming. Thus, the June 2011 legislative elections saw a total of 17 parties running –

one more than the preceding 2009 elections. However, in March 2013, the registration of the Socialist Alternative Movement (Movimento Alternativa Socialista, MAS), a splinter of the Left Bloc (Bloco de Esquerda, BE), as a political party was refused by the Constitutional Court, on the grounds that its statutes did not adequately ensure the principles of democratic organization, management and legal oversight. This decision was contested by the head of the Portuguese Lawyers' Order. After an appeal by MAS was rejected by the Court in late April 2013, the putative party announced that it would submit a new application to the Constitutional Court to be registered as a political party.

Citation:

On the laws see, for example, *Eleição da Assembleia da República 1 / Outubro/1995: Legislação eleitoral actualizada e anotada* (Lisbon: STAPE/MAI, 1995); and *Lei dos Partidos Políticos* (Political Party Law) – *Lei Orgânica n.º 2/2003, de 22 de Agosto, com as alterações introduzidas pela Lei Orgânica n.º 2/2008, de 14 de Maio.*

Spain

Score 9

Registration procedures for candidates and parties are defined by national laws (basically, the Organic Law 5/1985 on the electoral regime and the Organic Law 6/2002 on parties) and ultimately enforced by the judiciary. The legal and administrative regulation for validating party lists and candidacies are fair, flexible and nondiscriminatory. Parties must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office including, since 2002, EU citizens in local and European Parliament elections and, also for local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and to those who have been convicted of a crime. Fair registration is protected by a number of guarantees, which are overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. Legislation on gender parity (Organic Law 3/2007) requires party election lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

That said, the regulation on political parties that followed a legal reform passed in 2002 with the support of both major parties, the Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) allows the banning of those parties that are “irrefutably” associated with conduct “incompatible with democracy, prejudicial to constitutional values, democracy and human rights” – a provision linked to the fight against separatist terrorism in the Basque

Country. This legal innovation, combined with judicial decisions, led during the early 2000s to the dissolution of the Basque extreme nationalist political organization Batasuna, and the subsequent dissolution or suspension of other minor parties directly or indirectly connected to Euskadi Ta Askatasun (ETA) terrorism.

The possibility of declaring a party illegal as a consequence of its members “repeated and serious” public defense or tacit support of terrorism in speeches and statements has raised questions as to how far political discrimination can go in excluding candidates with a radical ideology. Until 2010, the Supreme and Constitutional Courts accepted the government’s arguments that parties linked to Batasuna had to be banned for being subject to the strategy and mandates of ETA (a ruling later endorsed by the European Court of Human Rights). However, during the period under consideration, the situation improved following the announcement by ETA of the cessation of terrorist activity in September 2010 (confirmed as definitive in October 2011). Consequently, and despite the position of the government and even of previous rulings by the Supreme Court, the Spanish Constitutional Court legalized the coalition Bildu (in May 2011) and the party Sortu (in June 2012) – two candidatures generally considered as the successors to Batasuna.

Citation:

Bourne, Angela. 2012. “Nationalism, terrority and extremism in the party politics: The illegalization and legalization of Sinn Féin and Batasuna.” Paper presented at Political Studies Association Territorial Politics Group, 13 – 14 September 2012, Brussels.

United Kingdom

Score 9

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

Members of certain groups are not allowed to stand for election – namely those in the police, the armed forces, civil servants, judges, and hereditary members of the House of Lords who retain a seat there. While this may be

considered reasonably necessary in a democracy (although no such restrictions are in place in many similar democracies), it seems harder to justify the exclusion of people who have undergone bankruptcy or debt relief restriction orders because this is tantamount to a second punishment for financial mismanagement and thus discriminating against them.

Belgium

Score 8

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

Chile

Score 8

In general terms, candidates and parties are not discriminated against in the registration process. Electoral procedures are very reliable and there is no ideological bias. Nevertheless, there are quite high barriers to fulfill all conditions required to register new parties. Once registered, small parties have a slim chance of acquiring mandates if they compete on their own. The binominal electoral system has a majoritarian representation effect that favors parties belonging to the two main coalitions. Thus “useful votes” concentrate on them. Beginning with the 2013 presidential election, a primary election system (primarias) for the designation of presidential candidates has been established. The 2013 presidential and congressional elections will be more inclusive because one of the two main coalitions, the former Concertación coalition (now called Nueva Mayoría), has been broadened in order to integrate small leftist parties (such as the Communist Party or Partido Comunista de Chile, PCC). This can be seen as an improvement for Chilean democracy.

Hungary

Score 8

The far-reaching changes in Hungarian electoral law have included amendments to candidate registration procedures. As the number of signatures required for the registration of parliamentary candidates has been raised from 750 to 1,000, and the period for collecting signatures has been shortened, registration has become more difficult. However, it seems that the strategy of the Fidesz government for the 2014 elections aims at encouraging rather than at discouraging candidates, primarily through changes in campaign financing laws. The government hopes that a greater fragmentation of the opposition will make it easier for Fidesz candidates to win a majority.

Mexico

Score 8

Elections are organized by the Federal Election Institute (IFE), which is autonomous of government and works closely with the judiciary and political parties. The only significant form of discrimination is found in the fact that independent candidates are not allowed to run for office in national elections. There are good reasons for this provision, but it nevertheless involves a reduction in voter choice.

Electoral disputes are common, but they do not surpass what is normal for a democracy. For example, a potential presidential candidate brought a case to court a few years ago because he wanted the right to stand for office as an independent. The courts rejected the case on the grounds that it was a matter for the legislature. There are minimum electoral registration requirements for the political parties but these are not unfairly onerous. The system worked satisfactorily in the electoral campaign in 2012.

South Korea

Score 8

All election affairs are managed by the National Election Commission, an independent constitutional organ. Registration of candidates and parties at national, regional and local levels is done in a free and transparent manner. Independent candidates with no party affiliation are allowed to participate in national (excluding party lists), regional and local elections. Candidates can be nominated by political parties or by registered electors. Civil servants are not allowed to run for elected offices and have to resign if they wish to become a candidate. Although the National Security Law allows state authorities to block registration of “left-wing,” “pro-North Korean” parties and

candidates, there is no evidence that this had a real impact in the 2012 parliamentary and presidential elections or the important Seoul mayoral election of 2011. However, deposit requirements for persons applying as candidates are relatively high, as are ages of eligibility for office. For example, deposits are KRW 300 million for presidential, KRW 50 million for governmental and KRW 15 million for parliamentary elections.

Citation:

Bertelsmann Transformation Index 2010, Bertelsmann Foundation, www.bertelsmann-transformation-index.

Public Officials Election Act, Act No. 9974, Jan. 25, 2010 Freedom House, Freedom in the World 2009, New York: Freedom House

Romania

Score 7

Romanian electoral law places few explicit restrictions on the ability of Romanian citizens to run for office (other than a 33-year age limit for a senator and a 23-year limit for other local and national offices). However, registration procedures are relatively demanding and can represent significant obstacles for new parties and independent candidates. A new party must have at least 25,000 founding members from at least 18 counties with a minimum of 700 per county. Independent candidates must garner an amount of signatures equivalent to at least 4% of the registered voters in the single member district where they intend to run. The registration is accompanied by a candidate-paid deposit of five minimum monthly gross salaries. Only those candidates that reach at least 20% of their single member district vote can claim the deposit back.

Turkey

Score 7

Although the constitution, Law 298 on the basic principles of elections and the electoral registry, Law 2839 on deputies' elections and Law 2972 on local administration elections cover the groundwork for fair and orderly elections and prevent discrimination against any political party or candidate. Yet the candidate nomination process is rather centralized, antidemocratic and exclusionary, due to the relative freedom given to each political party's central executive committee in determining the party candidates (Law 2820 on political parties, Article 37). The age of candidacy for the election of deputies was dropped to 25 as part of the 2011 constitutional referendum.

The nationwide 10% electoral threshold for parliamentary elections (Law 2839 on deputies' elections, Article 33) is a major obstacle for all small political parties. However, in 2008, the European Court of Human Rights (ECHR) found the 10% electoral threshold excessive, but not in violation of

ECHR Protocol 1 Article 3. As of January 2013, there are 72 registered political parties, while only one-fifth of those registered have participated in parliamentary elections. During the last two parliamentary elections, the number of political parties that secured more than 5% of valid votes decreased from seven (in 2002) to five (in 2007) and then to four (in 2011), including independents. An independent candidate who secures a majority of votes in his/her electoral district can be elected without regard to the nationwide threshold. In the most recent parliamentary elections during the review period, 35 independent candidates were elected to parliament, and 29 of them later joined the pro-Kurdish party. Independent candidates for deputy elections submit a petition together with a fee, equal to the amount of the monthly gross salary of the highest-ranked civil servant (about €3,400 as of the exchange rate of 2011) which is consigned to the revenue department of the provincial election board where the candidate is standing for election (Law 2839, Article 21). If an independent candidate fails to be elected, this fee is registered as revenue by the Treasury. Independent candidates for local elections, including local councils and mayoral elections, follow the same procedures; the date of elections however is set by the Supreme Board of Elections (Law 2972 on local administration elections, Article 13). Nomination fees in this instance are automatically directly registered as revenue by the Treasury.

Political parties also require a nomination fee, which ranges from €250 to €1,500. In municipal council elections, the D'Hondt system is utilized (political parties and independent candidates whose votes are lower than one-tenth of valid votes in that electoral district are excluded) and in mayoral elections, a simple plurality system is used.

The major political issue is the anti-democratic bent of party Law, which leads to the domination of party executive committees. Strong party discipline is another variable to be considered in Turkish politics, which can be attributed to the quasi-authoritarian posture of party leaders.

Citation:

Pelin Ayan, *Authoritarian Party Structures and Democratic Political Setting in Turkey*, Palgrave Macmillan, 2011.

<http://www.ysk.gov.tr/ysk/docs/2011MilletvekiliSecimi/turkiye/milletvekilisayisi.pdf>.

Indicator

Media Access

Question

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

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

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

Finland

Score 10

The access of candidates and parties to media and means of communication is fair in principle, but practical considerations that relate to limitations in terms of time and channel space restrict somewhat the access of smaller parties and their candidates to televised debates and other media appearances. Given the increased impact of such appearances on the electoral outcome, this bias in terms of access is problematic from the point of view of fairness and justice. However, the restrictions are in terms of size and importance only and are not about ideology or divide between government and opposition parties. Access to newspapers and commercial forms of communication is unrestricted, but is in practice dependent on the economic resources of parties and individual candidates for campaign management. Candidates are, however, required to report their sources of income used for campaigning. Social media has played an increasing role in candidates' electoral campaigns, especially in the 2011 parliamentary and the 2012 presidential elections; yet such outlets still only attract a small share of voters.

Citation:

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

Sundberg, Jan (2012): Finland. In: European Journal of Political Research Political Data Yearbook 51: 96–102, 2012.

Germany

Score 10

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

The ODIHR concluded with respect to the last general election in 2009: “The amount and pluralistic nature of the information available allowed the voters to make an informed choice” (ODIHR 2009: 2).

Sweden

Score 10

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

The print media in Sweden is overwhelmingly non-socialist in its political allegiance and is therefore more likely to cover non-socialist candidates than candidates from the parties on the political left. However, there is also a genuine left-wing media, particularly present on the Internet. During the

period of review, the right-wing Sweden-Democrats (Sverigedemokraterna, SD) gained importance in the electoral process as well as in parliament. Some newspapers still refuse to publish this party's advertisements. And some newspapers have no political leaning, and rather criticize the actions of all parties.

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

Switzerland

Score 10

Candidates and parties may purchase political advertising in the print media. The only restriction to equal access by candidates and parties to these media outlets concerns the availability of resources. In contrast, political advertising on television or other broadcast mediums is not allowed. In this regard, all candidates and parties have equal access, in the sense that none is able to buy political advertising on broadcast media.

Media organizations give a fair and balanced opportunity to political actors to present their views and programs, insofar as this does not become simple advertisement. Right-wing politicians sometimes complain that journalists give center-left politicians better access. For example, a right-wing journal recently argued that the public media are the mouthpiece of the center-left political elite. But there is little hard evidence that such a bias exists to any substantial extent, although it is hard to find journalists who side with the Swiss Peoples Party, the right-populist party.

Denmark

Score 9

Denmark is a liberal democracy. According to section 77 of the constitution, freedom of speech is protected: "Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced." Freedom of speech includes freedom of the press. According to the Press Freedom Index published in 2013 by Reporters without Borders, Denmark ranked sixth in the world in press freedom, after Finland, the Netherlands, Norway, Luxembourg and Andorra. The penal code sets three limits to freedom of speech: libel, blasphemy and racism. The independent courts interpret the limits of these exceptions.

The public media (Denmark Radio and TV2) have to fulfill in programming the criteria of diversity and fairness. All political parties that plan to take part in elections, whether old or new, large or small have the right to equal programming time on the radio and on television. Private media, mostly newspapers, tend also to be open to all parties and candidates. The trend decline in newspapers has implied a concentration of media attention on a few national newspapers, which has reduced media pluralism. However, all newspapers are, for instance, open to accepting and publishing letters to the editor. Likewise, all parties and candidates have equal possibilities of distributing pamphlets and posters. Finances can be a limiting factor, however, with the larger parties having more money for campaigns than smaller parties.

Citation:
 Straffeloven [The Penal Code],
http://www.themis.dk/synopsis/docs/Lovsamling/Straffeloven_indholdsfortegnelse.html (accessed 15 April 2013).
 Reporters without Borders, "Press Freedom Index 2013," <http://en.rsf.org/press-freedom-index-2013,1054.html> (accessed 15 April 2013).
 Zahle Henrik, 2001, Dansk Forfatningsret 1.

Estonia

Score 9

Candidates and political parties have fair and equal access to public broadcasting and TV. Access to private TV and radio channels, however, depends on the financial resources of the political parties. Therefore, smaller political parties and independent candidates have significantly limited access to mass media. Concerning electoral campaign expenses, there is not an upper limit in Estonia, thus the situation does not favor candidates with fewer financial resources. Yet, these disparities do not follow coalition-opposition divide, nor is discrimination related to racial, ethnic, religious or gender status. Because of the high Internet penetration rate, various e-tools are becoming widely used in electoral campaigns. This has helped candidates keep costs down and reach a wider public.

France

Score 9

According to French laws regulating electoral campaigns, all candidates must receive equal treatment in terms of access to public radio and television. Media time allocation is supervised by an ad hoc commission during the official campaign. Granted, incumbents may be tempted to use their position to maximize their media visibility before the official start. Private media is not

obliged to follow these rules, but with the exception media outlets that expressly supporting certain party positions, newspapers and private media tend to fairly allocate media time to candidates, with the exception of marginal candidates who often run with the purpose of getting free media time.

The paradox of this rule for equal time is that the presidential candidates who are likely to make it to the second round receive the same amount of media time as candidates who represent extremely marginal ideas or interests. The result is that the “official” campaign on public channels is often seen as boring and viewers pay little attention. More and more viewers are apparently switching to private channels to skip the repetition of short, standardized complacent interviews on public channels.

Greece

Score 9

Political parties which obtained parliamentary representation in earlier elections, either in the national parliament or the European Parliament, have equal opportunities of access to the media. For instance, the nationalist party called Popular Orthodox Rally (Laikós Orthódoxos Synagermós, LAOS) did not win any parliamentary seats in the 2012 elections, but retains its parliamentary representation in the European Parliament.

Most media outlets provide a fair and balanced coverage of the range of different political positions. However, since the neo-Nazi party Golden Dawn won parliamentary representation in the 2012 elections (winning 18 out of 300 seats in the Greek parliament), most media have not invited this party's cadres to political debates or to interviews because it has consistently expressed strong anti-parliamentary and racist views. It is, however, a legal requirement that in the elections for the European Parliament in 2014 all parties will be given access to the media.

Citation:

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

Ireland

Score 9

As in the past, Irish elections continue to receive widespread and detailed coverage in the press, on radio and on TV. There are strict rules regarding media coverage – especially on radio and TV – designed to ensure equity of treatment between the political parties. The state-owned national broadcasting company (RTÉ) allows equal access to all parties that have more than a minimum number of representatives in the outgoing parliament.

Smaller political parties and independent candidates find it less easy to gain access to the national media. However, any imbalances that may exist at the national level tend to be offset at the local level through coverage by local radio stations and newspapers. Subject to normal public safety and anti-litter regulations, all parties and candidates are free to erect posters in public spaces.

Lithuania

Score 9

The publicly owned media are obliged to provide equal access to all political parties and coalitions. Debate programs on the state-funded Lithuanian Radio and Television are financed by the Central Electoral Commission. In the run-up to the Autumn 2012 parliamentary elections, the public TV and radio organizations provided all parties with equal access and time slots. The media are also obliged to offer all campaigns the same terms when selling air time for paid campaign advertisements. However, the Central Electoral Commission, which supervises the media during campaign periods, received many complaints related to campaign advertising during the 2012 parliamentary elections. According to the Organization for Security and Co-operation in Europe (OSCE), voters during the last parliamentary elections were able to access a variety of views and information about the candidates across a wide range of media outlets. Newly introduced restrictions on political advertising, as well as restrictions on corporate donations to political parties, reduced the ability of the most well-financed parties to dominate the airwaves in the run-up to the elections. Privately owned media organizations are not obliged to provide equal access to all political parties.

Citation:

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

Netherlands

Score 9

The Media Law (Article 39g) requires that political parties with one or more seats in either chamber of the States General be allotted time on the national broadcasting stations during the parliamentary term, provided that they participate in nationwide elections. The Commission for the Media ensures that political parties are given equal media access free from government influence or interference (Article 11.3). The commission is also responsible for allotting national broadcasting time to political parties participating in European elections. Broadcasting time is only denied to parties that have been fined for breaches of Dutch anti-discrimination legislation. The individual media outlets, however, decide themselves how much attention

they pay to political parties and candidates. Since 2004, state subsidies for participating in elections have only been granted to parties already represented in the States General. Whether this practice constitutes a form of unequal treatment for newcomers is currently a matter of discussion in the Netherlands.

New Zealand

Score 9

Allocation of election broadcasting time and funds in New Zealand's multiparty system are based on several criteria, including: share of the vote during the previous election; seats in Parliament; party membership; and results of opinion polls. The process is monitored by the independent Electoral Commission, and follows procedures laid down in the Electoral Act 1993 and the Broadcasting Act 1998. This ensures the fair coverage of different political positions, although the process has been criticized for disadvantaging emerging parties that have yet to contest an election. Some earlier deficiencies that had to do with regulations that had not been adapted to the new realities of a mixed-member proportional electoral system were addressed in the Electoral Finance Act 2007. However, this led to new problems, stemming from controversies *inter alia* of how to deal with non-party actors' campaign spending in favor or against political parties. In the end, the Electoral Finance Act was repealed in 2009. After a lengthy period of consultation and consensus-seeking, the Electoral (Finance Reform and Advance Voting) Amendment Act was passed.

Media coverage of political issues is generally fair and balanced. Although in some previous elections televised debates included the leaders of all parliamentary parties, during the 2011 election the main debates were restricted to the leaders of the two major parties, with the leaders of the small parties being invited to debate separately.

Citation:

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

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

Final Variation to the Decision of the Electoral Commission on the Allocation of Time and Money to Eligible Political Parties for the Broadcasting of Election Programmes for the 2011 General Elections (Wellington: Electoral Commission 2011).

Poland

Score 9

Both parties and candidates have equal access to public and private media. At least for nationwide candidate lists, the Election Code requires public TV and radio stations to reserve time for the free broadcasting of campaign materials and for televised candidate debates. Although the government still

holds some influence with the media oversight body National Council on Radio and Television (KRRiT), the partisan bias of public media has become substantially weaker than previously. Moreover, the pluralistic nature and quality of private media in Poland allows all parties and candidates the chance to get their message out to the public. In the run-up to the parliamentary elections in October 2011, the opposition parties criticized the government's plans to restrict electoral campaigning by banning large-format election posters and paid TV and radio ads. However, such controversial provisions were declared unconstitutional by the Constitutional Court in July 2011 and were not made law.

Portugal

Score 9

Parties have access to broadcast time on television and radio for political purposes during the official campaign period of two weeks preceding the election date. This time is divided equally among the parties, according to the number of candidates they present. Parties need to present lists in at least 25% of electoral districts, and field a total number of candidates equal to at least one-quarter of the total number of possible candidates, in order to qualify for these broadcasts. However, despite airing during prime time, these short broadcasts (lasting a maximum of three minutes for each party) do not attract much of an audience. Thus, in the 5 June 2011 legislative elections, none of the party political broadcasts were in the top 15 most-watched television programs of May or June.

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

With regard to political debates, for the 2011 legislative elections, a total of 10 debates took place between the leaders of these main parties, with each debate featuring two leaders. These debates drew considerable attention: the 10 debates had an average audience of 1,081,795 viewers, with the least popular debate being watched by more than 887,000 spectators and the most popular one drawing over 1.5 million viewers (ranking as the 7th most

viewed TV program of May 2011).

The issue of the political debates and of the unequal treatment of minor parties was a thorny issue in the 2011 election campaign. A number of the minor parties protested against the allegedly unequal treatment they received in terms of participation in political debates. Members of some smaller parties forced entry into the Portuguese public broadcaster in protest at their exclusion from the debates on 5 May 2011.

Two of these smaller parties also contested their exclusion from political debates in the legal system. The court that was petitioned ruled in their favor, mandating the television broadcasters to feature them in one-on-one debates with all political parties that accepted these debates. In practice, however, the court ruling failed to achieve full parity for these smaller parties, as the majority of the larger parties refused to participate in the court-mandated debates and television broadcasters responded to the court ruling by broadcasting shorter, 20-minute debates (less than half of the 45 minute to one hour debates between the leaders of the main parties).

Slovakia

Score 9

Media pluralism in Slovakia ensures that all candidates and parties have equal access to the media (Bútora et al. 2013, pp. 84-85). After the 2010 change in government, public media coverage became more balanced. Unlike in the past, there were no complaints about a partisan bias in public media during the 2012 parliamentary election campaign. Access to the media has been further favored by a pluralist private media. The Council for Broadcasting and Retransmission demonstrated its commitment to equal access to the media by imposing fines of ,€100,000 on two private TV stations, TV Markíza and TV JOJ, for broadcasting advertisements for the newly founded 99 Percent – Civic Voice party (99% – občiansky hlas) several weeks before the official start of election campaign (21 days before the election).

Citation:

Bútora, Martin/Mesežnikov, Grigorij/Kollár, Miroslav (eds), 2013: Slovakia 2012. Trends in Quality of Democracy, Bratislava: IVO.

Australia

Score 8

There are no explicit barriers restricting access to the media for any political party or candidate. The media is generally independent, and highly activist. Furthermore, the public broadcasters – the Australian Broadcasting

Commission (ABC) and the Special Broadcasting Service (SBS) – are required under the Australian Broadcasting Act to provide balanced coverage. In practice, the two dominant parties attract most coverage and it is somewhat difficult for minor parties to obtain media coverage. For example, the ABC has a practice of providing free air time to each of the two main parties (Labor and the Liberal-National Coalition) during the election campaign, a service not extended to other political parties. Therefore, new political movements and diverging political positions are not receiving much coverage in the established media. Print media is highly concentrated and biased towards the established parties.

In terms of advertising, there are no restrictions on expenditures by candidates or parties, although no advertising is permitted in the three days up to and including polling day. Inequity in access to the media through advertising does arguably arise, as the governing party has the capacity to run advertising campaigns that nominally serve to provide information to the public about government policies and programs, but which are in fact primarily conducted to advance the electoral interests of the governing party. On its election to government in 2007, the Labor Party moved to curtail such advertising, but concerns over inappropriate advertising at both the state and federal levels persist.

Canada

Score 8

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

One contentious issue is the access given political parties in the televised

leaders' debate in federal elections. Historically, only the leaders of parties with seats in the House of Commons have been invited to participate in the debate. Leaders of political parties without seats have been excluded. Not surprisingly, this has been a source of contention for those parties. But in the October 2008 federal election, the leader of the Green Party, which had no seats but did have significant popular support, was allowed to participate in the debate. That measure was aimed at increasing fair access to the media on the part of small political parties. However, in the May 2011 federal election, the leader of the Green Party was excluded from the debate. These decisions appear to have had little effect on the election results for the Green Party leader, as she failed to be elected in the 2008 federal election, but won in the 2011 election.

Czech Republic

Score 8

Electoral law guarantees parties and candidates for the presidency equal access to state radio and television. In the case of the 2013 presidential elections, Czech TV and Czech Radio were both obliged to set aside five hours for the self-presentation of the registered candidates in the first round and one hour in the second. The time was shared equally among candidates, with the exact slot allocation done by draw. Prior to both rounds of the direct presidential elections, both the state-owned Czech TV and the two largest private TV broadcasters, TV Nova and TV Prima, broadcast debates between the top candidates. Further debates were organized by both state and private radio stations as well as by various civil society organizations. However, the political polarization of the private media meant that some of the major media outlets did not cover the different positions in an unbiased fashion.

Israel

Score 8

One of the foundations of Israel's democracy is its free press and media. Laws ensure equality in access for all candidates and parties. Criteria for the allocation of airtime during electoral campaign are impartial, and are determined by the chairman of the central election committee. More specifically, the 1959 law on elections states that the chairman of the Central Elections Committee determines how much radio broadcasting time is provided to each list of candidates (currently, each list is entitled to 25 minutes of air time, plus another six minutes for every member of the Knesset it had in the last session). All campaign-related broadcasts must be funded by the parties themselves, and must be approved in advance by the

chairman of the Central Elections Committee.

Since Israel does not have a formal constitution, its legislation regarding human rights is incomplete. However, throughout the 1990s several basic laws on the issue were passed. The basic law governing the parliament states that “(t)he Knesset shall be elected by general, national, direct, equal, secret and proportional elections.” The Supreme Court has heard a number of cases arguing that particular laws were in breach of the principle of equality. The court has ruled that variation in size makes it impractical to place all parties on a precisely equal footing, and that the system should therefore continue to favor experienced parties that have proven their electoral clout.

Citation:

Hattis Rolef, Susan, Ben Meir, Liat and Sarah Zwebner, Party Financing and Election Financing in Israel, Knesset Research Institute, 21 July 2003 (Hebrew).

Japan

Score 8

Access to the media for electioneering purposes is regulated by the Public Offices Election Law, and basically ensures a well-defined rule set for all candidates. In recent years, the law has been strongly criticized for being overly restrictive, for instance by preventing broader use of the Internet and other advanced electronic-data services. Even the use of Twitter was explicitly banned through the lower-house elections in 2012, while candidates were not allowed to update their websites or upload topical material such as video of a campaign speech to YouTube during the election campaign. Grassroots political activity online was also restricted. In April 2013, a revision of the Public Offices Election Law was enacted, based on bipartisan support from the governing and opposition parties; the new version allows the use of online networking sites such as Twitter in electoral campaigning, as well as more liberal use of banner advertisements. The new law was applied in national and local elections beginning with the upper-house elections in July 2013. Regulations are in place to prevent abuses such as the use of a false identity to engage in political speech online.

Citation:

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

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

Norway

Score 8

Candidates and parties are free to purchase political advertising in print publications and on the Internet. Advertisements from political parties are not

allowed on television or radio. This ban has been subject to some controversy, with the populist Progress Party advocating a removal of the restriction. The other political parties are opposed to changing the law.

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

Slovenia

Score 8

The regulation of the public media and the existing media pluralism in Slovenia ensure that all candidates and parties have access to the media. The public TV and radio stations are obliged to set aside some airtime for the self-presentation of parties and candidates. Moreover, in the 2011 election campaign for the first time even a few of the newly established parties had the chance to participate in pre-election debates in the public media. However, the public and, even more so, the private media tend to make some concessions to the bigger political parties and give them more time and more opportunities to present their views to the public.

Austria

Score 7

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

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

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

Belgium

Score 7

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

The influence of post-fascist or national-populist parties varies, depending on geographical region. In Flanders, the national-populist Vlaams Belang is an established political party, and most media outlets (excluding some left-wing newspapers), including the public TV broadcaster, do cover and offer media access to this political party. In Wallonia, the corresponding Front National (a much less consolidated party) is largely boycotted by the media, and the main TV channels reserve the right to ban the party from broadcasts.

Smaller parties’ (such as radical left-wing parties, during the review period gaining in strength) access to media is restricted. Yet this may have more to do with these smaller parties, apart from a few municipal councilors, not having connections with people who can facilitate more routine media access.

Cyprus

Score 7

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

The Laws on Radio and Television 7(I)/1998 and on the public-service broadcaster (Cyprus Broadcasting Corporation, RIK) require equitable and nondiscriminatory treatment of the executive and legislative powers, the political forces and other actors in society. Equity must be respected in particular during pre-election periods, which are defined as the three months before election day. Under this rule, air-time must be allotted in accordance with political parties’ share of parliamentary seats and territorial strength.

In practice, broadcasters must create a “code of conduct,” and compliance with its terms is monitored by the Cyprus Radio Television Authority (CRTA) for commercial broadcasters, or by the governing body of RIK, the public broadcaster. Codes of conduct and compliance reports for commercial and

public broadcasters are rarely if ever published. Paid political advertising is allowed on broadcast media for the 40 days preceding an election.

The rules on media access are generally respected, with all political groupings and candidates enjoying coverage and air-time on public and commercial media. Small parties and some candidates have lobbied for more time and sometimes equality with larger parties, with several cases on the issue reaching the courts. Though problems of interpretation do arise due to discrepancies in terminology or other legal provisions, no notable cases of discrimination have been observed.

One issue of concern is women candidates' low level of participation and low level of visibility in the media.

The mass media is free to function as a set of independent institutions. It expresses a plurality of opinions. But there are weaknesses with respect to a weak regulatory framework, a trend toward concentration of media ownership, and party interference.

Citation:

1. The Law on Radio and Television Stations, L. 7(I)/1998, available at [http://www.crt.a.org.cy/images/users/1/Enopoiimenos%207\(1\)98%20mexri%2073\(i\)2011.pdf](http://www.crt.a.org.cy/images/users/1/Enopoiimenos%207(1)98%20mexri%2073(i)2011.pdf) (in Greek).
2. The Law on the Cyprus Broadcasting Corporation, Ch. 300A, available at http://www.crt.a.org.cy/images/users/1/CYBC_Law_10122010.pdf (in Greek).
3. Regulations on fair treatment of parties and candidates, Normative Administrative Acts (NAA) 193/2006 available at http://www.cylaw.org/nomothesia/par_3/meros_1/2006/1641.pdf (in Greek), and NAA 207/2009 (on European Parliament Elections), available at http://www.cylaw.org/nomothesia/par_3/meros_1/2009/1087.pdf (in Greek).
4. Yiouli Taki/David Officer, Civil Society and the Public Sphere, in: James Ker-Lindsey/Hubert Faustmann (eds), *The Government and Politics of Cyprus*, Bern 2009, 205-230.

Iceland

Score 7

Formally, all parties or candidates have equal access to media. There are no restrictions based on race, gender, color, language or any other such factors. However, parties already in parliament or in local councils are better positioned than new parties or new candidates in elections for parliament or local-council seats. Furthermore, in the 2013 parliamentary election campaign, several media organizations systematically discriminated against small new parties that opinion polls indicated were unlikely to cross the 5% vote threshold needed to win election to the parliament. Hence, the media discrimination itself may have played a role in some parties' inability to reach the 5% threshold, perhaps significantly influencing the outcome of the election.

Italy

Score 7

Although one of the main competitors – Berlusconi and his People of Freedom Party (Popolo della Libertà, PdL) – enjoys favorable treatment from the television chains and newspapers owned by Berlusconi himself, the media system as a whole offers a reasonably fair treatment of all competitors. The most important national newspapers and other privately owned television chains offer fairly equal access to all positions, and under the Monti government Italian state television has maintained a much more neutral position compared to the past. Indeed Italian media – although still heavily criticized and ignored by the opposition Five Star Movement (Movimento Cinque Stelle) – emancipated itself quite well from political parties in the period under review. Other political parties own their own media, like the Democratic Party's (Partito Democratico) YOUDEM television channel.

Access to television by parties and candidates is regulated by a law (Law 28/2000) that provides for equal time for each party during electoral campaigns. An independent oversight authority (Autorità per le Garanzie nelle Comunicazioni) ensures that the rules are followed and has the power to sanction violations. This power is effectively used. Public television is controlled by a parliamentary committee which reflects the composition of the whole parliament. Although the government in office typically attracts more air time than the opposition, the treatment of the different parties by the public broadcaster is fairly balanced overall. In the print sector, the large variety of newspapers both with and without a clear political orientation provides sufficiently balanced coverage of all positions.

Latvia

Score 7

Electoral candidates and every political party have equal access to the media. Publicly financed pre-election broadcast slots on public television are equally available to all. Participation in pre-election debates organized by the public broadcasting entity are also open to all parties, although small parties are often not invited to televised discussions. The media system as a whole provides fair and balanced coverage. Individually, however, media outlets do not consistently provide fair and balanced coverage of the range of different political positions. Corrupt political journalism has been prevalent across a significant portion of the media spectrum. There are also marked imbalances in media coverage if one considers that the media audience is divided into linguistic communities, with the Latvian and Russian-language media each offering election coverage skewed to their linguistic target audiences.

Citation:

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

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

Luxembourg

Score 7

All newspapers have more or less close ties to political parties, reflecting the ownership of the publications. They tend to be biased or rather partisan, especially during election campaigns. This gives an obvious advantage to large parties, especially the Christian Social People's Party (CSV), which can count on the support of a newspaper group connected to the largest newspaper *Luxemburger Wort*, owned by the Catholic Church, which more or less dominates print media. To bolster a dwindling readership, newspapers have adopted a more balanced line over recent years, reducing at the same time their political bias to the benefit of smaller parties and organizations. As there are no significant public broadcasters, the main private broadcaster Radio Télé Luxembourg (RTL) has guarantee more or less balanced reporting according to its concession contract with the state of Luxembourg. During election campaigns parliament provides the political party lists with airtime and the opportunity to broadcast television ads on essentially equal footing. The government organizes roundtables with candidates from all the lists. The financing of election campaigns, especially the distribution of promotional leaflets by mail, is regulated by law.

The media market is becoming more pluralistic. Reports and comments in print media are less partisan than previously, and more media essentially distances itself from party influence.

Citation:

Loi électorale du 18 février 2003

Mexico

Score 7

There is public finance available to all parties, corresponding to their electoral strength. The law prohibits discrimination of parties on the basis of color, social origin and other irrelevant factors. The electoral process in Mexico is, in general, subject to a comparatively high degree of regulation. For example, there are restrictions on the amount of money parties are allowed to raise and spend. The main reason for this restrictiveness is a well-founded fear by the political authorities that Mexico's drug gangs will try to use their massive wealth to influence the political process (which has not happened to date to a significant degree at national level).

Despite the degree of regulation, money still counts in Mexican politics. For example, there is evidence that the biggest television enterprise, Televisa, displayed preference to the PRI over other political parties by granting the party more coverage in the electoral campaign.

Spain

Score 7

All Spanish democratic parties or candidates have access to the public media without unreasonable or systematic discrimination because of race, gender, language, religion, political opinion, national or social origin, property, birth or other status. The electoral law (Organic Law 5/1985) regulates strictly the access to public television and public radio networks during electoral campaigns. This access is not exactly equal, but can be considered plural and proportional as it is based on past electoral performance. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections.

A similar system operates with regard to news coverage, where the time devoted to each party is also proportionally allocated according to the previous electoral results. Therefore, while new candidates or parties may find it difficult to win media access, the two major parties – the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and Popular Party (Partido Popular, PP) – and, to a lesser extent, the governing nationalist parties in Catalonia and Basque Country, Convergence and Union (Convergència I Unió, CiU) and the Basque Nationalist Party (Partido Nacionalista Vasco, PNV), enjoy a clear advantage, since they are the candidatures that regularly draw more votes. Whether fair or not, the allocation of these advertising slots and minutes of news coverage is guaranteed by the Central Electoral Board (Junta Electoral Central). In fact, many journalists working in the public media are very critical of this rigid system, which subordinates the journalistic interest in information to the proportional time fixed by law. Throughout the rest of the year (i.e., outside the campaign season), the parties do not have public broadcast time slots and it is then very common for opposition parties to criticize public media for supposedly being biased in favor of the government.

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, the largest media organizations have a strong tendency to favor the bigger parties or the more well-known candidates in

their day-to-day coverage. Giant private newspapers, radio and television stations tend also to lean ideologically toward PP, PSOE or CiU in Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). Access to the private media is worse for the third national party, United Left (Izquierda Unida, IU) and the fourth one Union, Progress and Democracy (Unión, Progreso y Democracia, UpyD) and terrible for parties not represented in the parliament, who have no legal guarantee to secure attention. However, the internet (particularly for minor leftist parties or anti-system social movements) and several small direct digital TV channels (for populist and right-wing activists) have recently improved the situation for less mainstream political views. In short, the Spanish media system as a whole does not provide all the different political positions with absolutely fair and balanced access to the media, but plural coverage is indeed achieved, as in every other western European country.

Citation:

Esteban Romero-Frías and Liwen Vaughan, 2012. "Exploring the relationships between media and political parties through web hyperlink analysis: The case of Spain" in *Journal of the American Society for Information Science and Technology*, Vol. 63 – 5.

United Kingdom

Score
value_6

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

United States

Score 7

In a formal and legal sense, media access is fair, although the U.S. media exhibit some significant biases. There are only modest publicly funded media: the Public Broadcasting System (PBS, for television); National Public Radio (NPR); and C-SPAN (live television coverage of congressional hearings and debates, academic conferences, and other events). Most media organizations are privately owned, for-profit enterprises. Private media

organizations are formally independent of the political parties and the government and at least nominally have independent editorial policies. Nevertheless, media content reflects several biases. Minor parties are rarely covered in news stories because they do not hold office and rarely have the leverage in policy debates that would make their positions newsworthy. In this respect, the media merely reflect the reality of the two-party system. In election campaigns, media coverage of candidates and parties generally reflects the strength and popularity of the competing campaigns – with more favorable coverage going to the leading candidate, regardless of party.

Finally, in election campaigns, media messages are dominated by paid advertising. Such advertising can reflect massive imbalances in the fund-raising capabilities of the opposing candidates or parties – with a modest, inconsistent advantage for the Republicans. The overwhelming volume of paid advertising certainly reduces the benefit of the major parties' relatively free and equal access to news coverage.

Citation:

Iyengar, Shanto, and Kyu S. Hahn, Red media, blue media: Evidence of ideological selectivity in media use, *Journal of Communication*, 59 (2009) 19–39.

Bulgaria

Score 6

Media access for candidates and parties differs drastically between publicly and privately run media. The public broadcast media – one TV and one radio station with several channels each – are required by law to provide full and balanced coverage and to set aside time for every candidate and registered party or coalition to make their own presentations. In contrast, access to the privately held media, especially print media, is less equal. Many private media firms are in the hands of business groups heavily involved in dealings with the state. These organizations tend to present the ruling majority in a positive light in exchange for favorable business deals. It is telling that during the street demonstrations and protests in Bulgaria in summer 2013, many media organizations were seen as part of the establishment and booed as much as the government.

South Korea

Score 6

Candidates' ease of access to the media depends on the type of media. Print media in Korea remain dominated by three big conservative newspapers with a clear political bias. However, there are smaller newspapers that support the opposition. Access to TV and radio is more even, although government intervention increased under the Lee administration. There was some public

discussion in 2012 on whether to exclude a progressive party candidate from the presidential election debate because she would have no chance of winning the elections. However, she was included until she resigned before the last debate.

In general, concerns about media freedom in Korea are growing. In early 2012, reporters from the three main TV channels – KBS, YTN, and MBC – went on strike to protest political interference.

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

Another limitation of candidates' and parties' communication with the electorate and media access is the opaque character of Korean election law concerning support for candidates during the election period of up to 180 days before the election. Article 93 states that "No one shall distribute, post, scatter, play, or run an advertisement, letter of greeting, poster, photograph, document, drawing, printed matter, audio tape, video tape, or the like which contains content supporting, recommending or opposing a political party or candidate [including a person who intends to be a candidate] or showing the name of the political party or candidate with the intention of influencing the election, not in accordance with the provisions of this Act, from 180 days before the election day to the election day." According to some interpretations of Article 93, all public support for candidates or parties is illegal during that period. On December 29, 2011, the Korean Constitutional Court ruled that Article 93 was unconstitutional in restricting expression of opinions on the internet, although it is still not clear how this ruling will affect other media or campaigning in general.

Croatia

Score 5

In Croatia, the national electronic media, both public and private, are legally required to provide equal coverage of all competing candidates and parties. In the case of the public media, this includes the obligation to set aside free airtime for all participants and to broadcast a variety of special election programs. Given the large number of parties, however, the problem is that numerous irrelevant participants “clog” the media space. With the exception of the presidential elections, there is no debate between the two major party groups in electronic media. A second major problem is the partisan bias of the local electronic media –two thirds of which are owned by municipalities.

Malta

Score 5

Malta has both state and private media. The Maltese constitution provides for a Broadcasting Authority (BA) to supervise broadcasting and ensure impartiality. During elections, the BA provides for equal time for the two major political parties on state television on its own political debate programs as well as airtime for political advertising. However, smaller parties or independent candidates do not receive equal treatment on state media. Despite the work of the BA, state media is a source of controversy as it tends to favor the party in government. Several court cases alleging political discrimination and/or bias are at the time of writing before the courts. The two major political parties also have their own radio and television stations, and as these are only partially controlled by the BA they are free to restrict access to opponents and smaller political parties. The party machines may also restrict media access to some of their own candidates while favoring others. The BA does require party-run media to reply to an aggrieved party or individual, when the BA believes a complaint is either politically controversial or when it is clear that some sort of misrepresentation has occurred. In general, print media is regulated by the Press Act. The two major parties also run or control a number of newspapers. While the act does not enforce impartiality, however, it does provide for a similar right of reply mechanism as is the case with party broadcasters.

Independent media, while tending to favor one party or another, provide reasonably fair coverage of different political positions. Prior to an election, however, the space for independent viewpoints in major newspapers becomes restricted, achieved through the financial leverage that parties maintain over papers by spending enormous sums on advertising. In the 2013 election this effect was somewhat mitigated through social media, though this too is frequently an extension of old party communication arrangements.

Citation:

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

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

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

Sammut, C (2007) Malta and the Media Landscape

Romania

Score 5

Campaign coverage is regulated by the Election and Broadcast Laws, and the National Audiovisual Council (CNA) must ensure that candidates and parties enjoy equal access to the media and other means of communication. Election law stipulates that public broadcasters provide free coverage of electoral contestants and that private broadcasters charge the same rates of all contestants. Furthermore, the Broadcast Law requires that the airtime offered to electoral contestants by private broadcasters must be congruent with the time allowed by public broadcasters. However, in practice a number of factors undermine the fairness and partisan balance of political coverage. Thus, the Election Law requirement that registered candidates request public broadcaster airtime within two days of the election's date announcement is unnecessarily restrictive and disadvantages parties and candidates that register later in the process. Furthermore, the CNA's ability to enforce legal provisions about fair media coverage were undermined by the government's attempt to adopt an Emergency Ordinance modifying Romania's Audiovisual Law for the immediate suspension of CNA sanctions in case of an appeal. Perhaps most importantly, the largest private media outlets in Romania are owned by individuals with close ties to political parties, such as Dan Voiculescu (who owns the Intact media group and is one of the main leaders of the Social Liberal Union (USL) or Dan Diaconescu (who used his OTV station as a platform for his political party.) This means that in practice media coverage of the political process remains partisan and unbalanced. Personal attacks overshadow meaningful policy analysis and few television stations make genuine attempts to allow for more than token coverage of alternative points of view.

Citation:

OSCE/ODIHR (2012) Romania Parliamentary Elections, 9 December 2012 OSCE/ODIHR Election Expert Team Final Report <http://www.osce.org/odihr/elections /96479> [Accessed on 7/3/13]

Turkey

Score 5

According to Law 3984 on the establishment of radio and television enterprises and broadcasts (20 April 1994; paragraph N, Article 4), "equality of opportunity shall be established among political parties and democratic groups; broadcasts shall not be biased or partial; broadcasts shall not violate

the principles of election bans which are determined at election times.”

Although the mainstream media companies basically provide equal opportunity and access to airtime for major political parties in parliamentary and local elections, negative or biased political messages (“advertising”) of anti-government or anti-opposition media are widespread, especially during the campaign period and between elections. The government party uses the state-run broadcaster Turkish Radio and Television (TRT) which has unlimited broadcast rights. In addition, the distribution of free broadcast time during political campaigns is unequal, in favor of the government and main opposition parties (amended Article 52, Law 298 of 26 April 1961), overstepping constitutional limits on fundamental rights and freedoms. The government is given 30 minutes of broadcast time each month on TRT to promote government activities in compliance with broadcast rules, without the right of reply and without carrying any political objective; private channels may also broadcast such programs when they choose.

Yet the structure of media ownership, cartelization and the media’s business relations with the state in various sectors violates the restrictions of Law 3984, Article 29; the unfair distribution of airtime is also a major issue considering the goal of securing free media access for all candidates and parties. Although hundreds of local radio and TV stations broadcast illegally without a license, they do provide an alternative means of political communication. A recent bidding over frequency licenses was annulled by the First Administrative Court on the basis of unfair competition.

Citation:

Holli Semetko, Election Campaigns, Partisan Balance, and the News Media, in P. Norris, ed., *Public Sentinel: News Media and Governance Reform*, The World Bank Institute, 2010.

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

<http://www.haber7.com/gundem/haber/1029436-frekans-ihalesi-yargidan-d-ondur>

Chile

Score 4

Access of candidates and parties to public TV channels is regulated by law (Law No. 18,700, Ley Orgánica Constitucional sobre Votaciones Populares y Escrutinios, and Law No. 18,603, Ley Orgánica Constitucional de los Partidos Políticos). But given the high level of media concentration within a small group of companies with a specific political background, candidates and parties de facto lack equal opportunity of access to the media and other means of communication. La Nación, the daily paper owned and run by the state, has stopped publishing its print edition (although it is still accessible online). Chile’s largest free TV channel (TVN) is state-owned, and is required by law to provide balanced and equal access to all political views and parties – a regulation which is overseen by the National Television Directorate

(Consejo Nacional de Televisión, CNTV). When the Concertación coalition was in power, this situation implied a certain counterbalance to the private media mainly owned and/or influenced by the elite associated with the Alianza coalition. In the current political scenario, with the Alianza coalition in power, the media landscape (state and private) is even more biased than before. Although La Nación and TVN are state-owned, they must operate according to market rules; they have to rely on advertising and high audience ratings.

Hungary

Score 4

Media access has become uneven during the review period. The government under Prime Minister Orbán has exerted strong control over public media, and private electronic media outlets, which enjoy a high market share, are also more and more controlled by the government's political camp. The situation however is more balanced with print media and online media. In late 2012, the governing coalition passed a law limiting the duration of an election campaign and also introduced a ban on election ads in private media. Justified as an attempt to ensure a level playing field and to reduce campaign costs, this ban was criticized broadly for demobilizing voters and for rendering it more difficult for the parliamentary opposition to make itself heard. When the Constitutional Court declared the ban unconstitutional in January 2013, the Orbán government responded by changing the constitution. In response to criticism from the European Commission, the government exempted elections to the European Parliament from the ban. In a final about-face in September 2013, the ban was abolished completely.

Indicator

Voting and Registration Rights

Question

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

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

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

Australia

Score 10

No changes to voting rights occurred in the review period. Registration on the electoral roll and voting are compulsory for all Australian citizens aged 18 years and over, although compliance is somewhat less than 100%, particularly among young people.

Immigrants without citizenship and prisoners serving terms of three years or more are not entitled to vote in federal elections.

Denmark

Score 10

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

The ambiguity in the election act is related to the question of what it means to be "permanently resident in the realm." The interpretation used to be rather

narrow but has been expanded over time. The act explicitly says that “persons who are employed by the Danish state and ordered to enter service outside the realm, and spouses cohabiting with such persons, shall be considered to be permanently resident in the realm.” The act also gives persons, who have taken up temporary residence in foreign countries (e.g., due to work for a public agency and the like, education) the right to vote. This right does not apply to Danes working abroad for private companies. Nor is it specified how long a temporary residence can be. In its granting of temporary residency, Denmark remains more restrictive than many other OECD countries.

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

Finland

Score 10

Electoral provisions stipulate universal adult suffrage with secret elections; the voting age is 18. Voting is not compulsory. Finnish citizens living abroad are entitled to vote, but foreigners living in Finland cannot vote, although permanent residents may vote in municipal elections. The population registration center maintains a register on persons eligible to vote and sends a notification to those included in the register; thus citizens do not need to register separately to be able to vote. A system of advance voting has been adopted since the 1978 parliamentary elections, and the proportion of ballots cast in advance has risen significantly. Electronic voting was tested during the municipal elections of 2008, yet it was decided to not use such a system in subsequent elections; instead, the government has decided to keep open the option for exploring voting via Internet in the future.

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

Germany

Score 10

German citizens (Basic Law, Art. 116 sec. 1) aged 18 or older are eligible to vote and run for election to the Bundestag, provided that they have resided in Germany for at least three months (Federal Electoral Act, secs. 12.1, 15). The right to vote can by judicial order be denied to criminals, persons lacking legal capacity or convicts residing in a psychiatric hospital (Federal Electoral Act, sec.13). Before the election every registered citizen receives a notification containing information on how to cast a vote, as well as an

application form for postal voting. Postal voting is today widely used, largely without trouble (in the last general election, 21% of registered voters voted by this means). Citizens not included in the civil registry (e.g., homeless people) are eligible to vote but have to apply to the authorities in order to be registered.

After the Federal Constitutional Court declared some provisions regarding the voting rights of Germans living abroad to be unconstitutional, a new amendment on the issue was drafted and passed in May 2013. Today, Germans living abroad have the right to vote (Federal Electoral Act, sec. 12) if they have lived at least three months in Germany after their 15th birthday, and have not lived more than 25 years abroad without interruption. Those who do not fulfill these requirements are still eligible to cast their vote if they can verify that they are both familiar with and are affected by German political conditions. Germans living abroad have to apply for registration to the authorities of their last domestic residence by 21 days before the election at the latest. They then can cast their vote by mail.

The period under review saw a number of elections on the state level (Berlin, Bremen and Mecklenburg-West Pomerania in 2011; Saarland, Schleswig-Holstein and North Rhine-Westphalia in 2012; and Lower Saxony in 2013). No irregularities or complaints about voter registration, voter lists or postal voting have been reported.

Greece

Score 10

All adults who are at least 18 years old, are Greek citizens and have not been deprived of their voting rights (e.g., owing to a criminal court-imposed penalty), are eligible to vote. There is no discrimination in the exercise of the right to vote nor any disincentives for voting. Upon being born, Greeks are registered by their parents in the municipality where their family resides. These records serve as lists of citizens eligible to vote.

Citation:

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

Iceland

Score 10

Iceland's voting procedure is completely unrestricted. No registration is required. As long as a citizen is registered as a voter in her constituency, she simply has to show up on Election Day and present her personal identification in order to cast a vote. Every person 18 years or older has the right to vote.

Netherlands

Score 10

Contrary to other civil rights, the right to vote in national, provincial or water board elections is restricted to citizens with Dutch nationality of 18 years and older (as of election day). For local elections, voting rights apply to all registered as legal residents for at least five years. Convicts have the right to vote by authorization only; as part of their conviction, some may be denied voting rights for two to five years over and above their prison terms. Since the elections in 2010, each voter is obliged to show a legally approved ID in addition to a voting card. Legally approved IDs are a (non-expired) passport or drivers' license (Article J24 Kieswet and Article 1 Wet op de Identificatieplicht).

Citation:

art

J24

Kieswet:

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

art 1 Wet op de Identificatieplicht:

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

Norway

Score 10

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

Poland

Score 10

The 2011 Election Code made voting rights more transparent by consolidating provisions for different election levels into one law. In Poland almost all adult citizens have the right to vote. While there is no blanket disenfranchisement of individuals declared incapacitated or of convicts, existing provisions are not fully in line with the rulings of the European Courts

of Human Rights (OSCE/ ODIHR 2011). As Polish citizens are automatically registered to vote, there is no need for prior registration before elections.

As part of the 2011 parliamentary elections absentee voting was introduced, thus making participation easier for the increasing number of citizens traveling or living abroad. In the 2011 parliamentary elections, however, very few people voted by mail. The rights of the disabled or of elderly (over 75 years old) to vote by way of a plenipotentiary, first introduced during the 2010 presidential and municipal elections, was criticized for putting voter secrecy and equality at risk, even though no abuse has been reported. In a further attempt at facilitating the participation of the disabled in elections, visually impaired voters were given the option of casting their ballot through Braille templates at a polling station as of the 2011 parliamentary elections.

Citation:

OSCE/ ODIHR, 2011: Election Assessment Mission Report: Poland, Parliamentary Elections, 9 October, 2011 (<http://www.osce.org/odihr/elections/87024>).

Slovenia

Score 10

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

Spain

Score 10

The Spanish electoral system meets the highest requirements and every citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register

(Censo Electoral), which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or just an incapacity to attend the polling station on the day of election. The average turnout since 1977 is comparatively high (73.5%) and the last national election held in 2011 saw a 71.7% turnout compared with 73.9% in 2008.

The only two problems which deserve to be mentioned are related to immigration and emigration. The 6 million foreigners who live in Spain are not entitled to vote in national elections and it is not easy to become naturalized even for long-standing foreign residents, but this restriction is common to all advanced democracies (note that EU citizens can already vote in local and European Parliament elections, and even non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote). Regarding emigration, some of the 2 million Spaniards abroad may face onerous red tape discouraging participation and even occasional technical failures in the administrative work of consular departments.

Sweden

Score 10

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

Switzerland

Score 10

Once again, formal procedures and rules in the area of voting and registration rights are those of a model democracy. However, there are at least two problems. The first relates to the extremely large share of foreigners in combination with rather strict rules governing naturalization. Second, given the decentralized and federal structure of Switzerland as a multicultural country, there are minority and electoral rules that give some citizens more electoral influence than others. This applies first and foremost to representation in the Council of States (Ständerat), the country's second parliamentary chamber (which is modeled after the U.S. Senate). Each canton is entitled to two representatives. The Council of States has the same power as the House of Representatives (Nationalrat), and the size of cantons varies by as much as a factor of 36. This means that a citizen of the canton

of Zurich, which has 36 times more inhabitants than the canton of Uri, has considerably less political power than one of Uri. Historically, these minority rights are traceable to the denominational conflicts of the 19th century. However, one can argue that this denominational definition of minority status no longer holds importance. This would mean that there is no further ground for this unequal distribution of political resources beyond the legacies of the past and the smaller cantons' institutional interest in retaining their power. Nonetheless, one has to recognize that democracy and federalism function on different principles (one person, one vote in the case of democracy, and one subnational unit, one vote for federalism). Thus, the unequal weighting of citizens' votes is a consequence inherent in every democratic federation.

Austria

Score 9

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

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

Belgium

Score 9

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

There are two marginal limitations (in terms of the proportion of voters concerned). In some municipalities with "linguistic facilities" around Brussels (i.e., situated in Flanders, but with a significant number of French-speaking voters), voters may not receive voting documents in their native language. Also, the fact that compulsory voting is not extended to Belgian nationals living abroad means that they are, in general, less represented as regular voters.

Canada

Score 9

All Canadian citizens 18 years and over have the right to vote, including the mentally deficient and persons living abroad. The only exceptions, according to the Canada Elections Act, are electoral officers and persons who have been imprisoned in a correctional institution for more than two years. Canada Elections Act provisions covering this latter group were made unenforceable in 2002, when the Supreme Court ruled that prison inmates had the right to vote under the Canadian Charter of Rights and Freedoms. Canada has a system of universal voter registration; the government is in charge of registering its citizens to vote as a means of protecting their constitutional right (this stands in contrast with the United States' system of citizen-initiated opt-in registration). Additionally, Canada allows for election-day registration for those who the universal registration system missed. Procedures for voting are not onerous. Adequate opportunity for casting an advance ballot is provided. Persons can vote by mail if they cannot come to a polling station due to physical incapacity or residency outside the country.

During the 2011 federal election campaign, voters in a number of electoral districts received automated phone calls containing misleading information about the location of their polling station. Elections Canada received complaints from over 1,400 electors in 247 electoral districts who reported having received such a call. It produced a report with recommendations aimed at better addressing the risks posed to Canada's electoral democracy by such deceptive tactics. A former Conservative aide has since been charged in connection with the fraudulent robocalls in one district; as addition, a federal court ruled that electoral fraud occurred, and found evidence of a "concerted campaign by persons who had access to a database of voter information maintained by the Conservative Party of Canada." However, there was no allegation that any of the Conservative candidates in the six districts were responsible for the campaign, nor proof that the outcome of the election was affected by the calls.

Citation:

Kessler, A. and T. Cornwall (2012). Does misinformation demobilize the electorate? Measuring the impact of alleged "robocalls" on voter turnout in the 2011 Canadian federal election, CEPR Discussion Paper #8945.

Czech Republic

Score 9

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

abroad can vote at Czech embassies and consulates. For them, participation in elections is complicated by a special deadline for registration and the declining number of embassies and consulates. Given the continuously decreasing number of consulates and embassies this effectively reduces the voting opportunity. There is no strong political support for postal voting, which would constitute an effective remedy.

Estonia

Score 9

The Estonian constitution and relevant laws guarantee universal suffrage. The voting age is 18. A move to decrease the voting age to 16 at municipal elections is currently under debate. Uniquely, Estonia still has a significant number of non-citizens, but it is one of the few countries in the world where all legal residents, regardless of their citizenship, have the right to vote at least in local government elections. EU citizens residing in Estonian can vote in municipal and European Parliament elections. Estonian citizens residing abroad can vote in all Estonian elections.

The state authorities compose the voter register with data from the population register. There is no need for eligible voters to take any action to be included in the voter register. Each registered voter is informed by post or e-mail about all voting options, voting day, location and opening hours of his/her polling station.

To facilitate participation in voting, Estonia uses advanced voting (starting seven days before election day) and I-voting. I-voting was first introduced in the local elections of 2005, and continued for the 2007 parliamentary elections and the 2009 European Parliament elections. In the 2011 parliamentary elections, about 24% of the participating voters used I-voting. I-voting is an especially effective tool for voters who are very mobile, as is the case for Estonians living abroad.

France

Score 9

The right to participate in elections as a candidate or as a voter is fully guaranteed not only by law but also in practice. There is no evidence of restrictions or obstruction in the application of the law. Every citizen enjoys rights that are provided by the constitution. In recent years, no progress has been made to extend the right to vote to foreign residents, except in the case of residents who are also EU citizens (yet only for local and European elections). Both former President François Mitterrand and President Hollande committed themselves to granting resident foreigners the right to vote in local elections (after five years of full residence). However, the fierce opposition of

the right and the rise of the National Front (FN) have postponed these proposals indefinitely.

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

Israel

Score 9

According to the Israeli basic law (Knesset 1958), every Israeli citizen 18 years or older is eligible to vote in general elections. This right is guaranteed under the principle of equality and is considered a fundamental democratic principle. It is restricted only by the requirement to exhibit a valid government identification, which contains the voter's name and picture. If the voter has refused to take an ID photo (as some religious women do), the identification will be considered valid if it has received previous authorization from the Ministry of the Interior. Article 10 of the same basic law states that the day of the national elections is a national holiday, but that public transportation and public services will remain open. Thus, it gives voters a positive incentive to vote.

The issue of prisoners' right to vote was not much debated until 1988. However, after a number of petitions on the issue were submitted to the Supreme Court (the Bagatz), the Knesset revised the law to state that a voting box must be placed in every prison. Handicapped citizens are also entitled to special voting stations that are adequately equipped for their particular needs. The state is obligated to offer at least one such station in every city council district, and at least two in any district with more than 20 regular voting stations. The mentally ill are not prevented by any specific law from voting. If the voter finds the voting procedure difficult for any reason (such as ill health), he or she is entitled to ask for assistance from an escort. Soldiers on active duty are also entitled to vote in special voting stations.

Israel does not allow citizens absent at the time of the elections to vote unless they are members of a distinct category such as embassy employees stationed abroad. However, every citizen has the right to vote without a minimum period of residency in the country.

Information on voting procedures is available through special government-funded information centers. These can be accessed online or through call-in services. Problems and complaints are dealt through the Central Elections Committee.

Citation:

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

"Basic Laws: The Knesset," Knesset official website, Accessed: 27.8.2013.

www.knesset.gov.il/description/eng/eng-mimshal_yesod1.htm

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

Italy

Score 9

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

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

Polling stations are very numerous and typically very near to places of residence. Voting takes place on two consecutive days which increases the opportunities for working people to vote. Turnout has diminished in recent years but is still among the highest in Europe.

Lithuania

Score 9

All citizens who are over the age of 18 on Election Day are eligible to vote. Although citizens living abroad may vote if they preregister, only 11% of the Lithuanian citizens who have declared themselves to be living abroad registered to vote in the 2012 parliamentary elections. A number of proposals for the introduction of Internet-based voting have been rejected by the Seimas, Lithuania's parliament. Votes can be cast in person on Election Day, but provisions are also made for early voting, out-of-country voting, voting in special institutions, and voting for those who are homebound. There are no specific disincentives to voting, although the absence of Internet voting capabilities may limit participation rates for citizens living abroad, as overseas voting must be done in person in diplomatic missions that are usually located in the capitals or other major cities of foreign countries. During the first round of the autumn 2012 parliamentary elections, there were

cases of suspected vote buying in prisons and some other institutions. Thus, while the citizens do have a right to vote, there have been cases of improper use of this right in practice.

Citation:

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

New Zealand

Score 9

New Zealand's electoral process is inclusive. The voting age was lowered from 21 to 20, and then again to 18 in 1974. Permanent residents of 12 months standing are given the right to vote in national elections. On the other hand, citizens who have lived out of the country for more than three years may not vote. While it is compulsory to register to vote, the act of voting is voluntary. Indigenous Maori may register to vote on either the Maori electoral roll or the general roll. There are seven designated Maori seats in the current legislature. Additional Maori representatives are elected on the general roll. Electoral boundaries are redistributed every five years. Beyond legal regulations, there are focused and ongoing activities, especially by the Electoral Commission, to increase political efficacy and turnout by ethnic minorities, those with disabilities, as well as young voters. Whereas electoral turnout in the postwar period tended to fluctuate between 85% and 91%, recently the numbers have been in decline, with some 74% of voters participating in the 2011 national election. Registering for an election can be done electronically. Registered voters then receive an "easy vote" pack with further voting information.

Citation:

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

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

Electoral Commission 2012), pp. 8-9.

<http://www.elections.org.nz/voters/voting-election/easyvote-cards-make-it-easy> (accessed May 9, 2013).

Access 2013: General Elections 1853-2011, Dates and Turnout, <http://www.elections.org.nz/events/past-events/0/general-elections-1853-2011-dates-and-turnout> (Wellington: Electoral Commission 2013).

Portugal

Score 9

All adult citizens are guaranteed the right to participate in national elections. The government also provides transportation to those requiring it. Citizens in hospitals and in jails are also able to vote, and assisted as necessary, and Portuguese citizens living abroad can also vote. There is no observable discrimination.

Problems with substantial inflation of the electoral register remain. Comparing 2011 census data with the same year's electoral register, the latter outnumbers the former by just over 1 million voters, thus artificially inflating abstention rates by some 10 percentage points.

Much of this discrepancy appears to be due to Portuguese emigrants who are registered in Portugal but do not transfer their electoral registration to their overseas residence. As Portuguese voters can only vote in the administrative parish (or, if abroad, in the country) in which they are formally registered, this means that a substantial proportion of Portuguese emigrants are unable to exercise their voting rights. January 2013 data from the Internal Affairs Ministry indicated that in Luanda, Angola, there were 2,000 Portuguese voters on the official electoral register for Angola – a small fraction of the estimated 100,000 Portuguese immigrants to the Angolan capital.

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

Slovakia

Score 9

The electoral process is largely inclusive. In principle, all adult citizens can participate in elections. There is a special electoral register for traveling communities, most notably Roma, and other Slovak citizens without permanent residence in the country. Voters that will not be in their place of residence on election day can ask for a special voter's pass that allows voting elsewhere. Slovak citizens residing or staying abroad can vote by mail. Since November 2009, only prisoners who were sentenced for "particularly serious crimes" have been disenfranchised. However, some problems arise from the amendment to the Citizenship Law passed by the first Fico government (2006 – 2010) in reaction to the Hungarian status law. This amendment annuls the citizenship of those Slovak citizens who voluntarily (i.e., apart from cases of birth or marriage) acquire the citizenship of another state. In the 2012 parliamentary elections, this provision led to some complaints by members of the Hungarian minority in Slovakia. The Radičová government undertook several attempts to soften this provision by allowing Slovak citizens with "genuine" ties (residence, work) to other countries to keep their Slovak passport when applying for a second citizenship. Due to frictions in her coalition and the lack of cooperation from the Hungarian government, however, these attempts failed.

South Korea

Score 9

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

Citation:
National Election Commission, Right to Vote and Eligibility for Election,
http://www.nec.go.kr/nec_2009/engli sh/ National Election Commission, NEWS No.7

United Kingdom

Score 9

In UK general elections, British, Irish and qualifying citizens of Commonwealth countries can vote. Entitlement to vote thus extends beyond British citizenship. However, the aforementioned nationalities can vote only if they have leave to remain in the United Kingdom.

In order to be entitled to vote, voters must be on the electoral register which is kept by local authorities and updated yearly. The Electoral Registration and Administration Act 2013 has also introduced individual electoral registration which is intended to improve the security of the registration process. Registration statistics show strong regional and social discrepancies.

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

Chile

Score 8

Law No. 20,568, published in January 2009, dealt with the automatic registration and voluntary vote of citizens by changing the registration procedure for voters and improving the former highly bureaucratic and complicated registration process. This promoted the participation of younger

and especially first-time voters in the 2013 presidential elections (which took place outside this report's observation period). The new law also introduces assisted voting for citizens with disabilities. However, the electoral exclusion of Chileans living abroad still persists (although Chile does not have a big diaspora population). Furthermore, individuals who have been charged with a felony and sentenced to prison for more than three years and one day and people classified as terrorists lose their suffrage. Prisoners who have not been charged but remain on remand also lose their right to vote. Nevertheless, Law No. 20,568 eliminated penalties previously dealt to registered voters who did not vote and failed to have an explicit and officially approved excuse for not doing so. The fact that the act of voting is now completely voluntary is questioned by some politicians and intellectuals who argue that voting not only represents a civil right but also a civil duty. Fears were raised by academics that the transition to voluntary voting would be accompanied by a bias towards middle- and upper-class voters, since lower-class and marginalized voters would disproportionately stay home.

Cyprus

Score 8

Electoral-roll registration and voter participation in all elections are both mandatory. Failure to meet either obligation is officially punishable with imprisonment and/or a fine of up to €240, except in the case of European Parliament elections. No means of e-voting or proxy voting exist. Following the second amendment of the constitution in 1996, the voting age was reduced from 21 to 18. Special arrangements are made so that various groups such as the Greek Cypriots in the northern part of Cyprus, prisoners and others are able to exercise their rights. Since 2011, overseas voting for those living temporarily abroad is possible in a limited number of cities in Europe and the United States.

Despite these provisions, increasing numbers of citizens today fail to register, and participation rates have declined sharply in recent years. Abstention and non-registration are no longer punished. In some cases, displaced voters have to vote in polling stations at some distance from their community of actual residence, a factor that increases abstention rates. As stated by the Organization for Security and Cooperation in Europe (OSCE), the elections in 2011 showed respect for fundamental human rights and freedoms, and the election administration demonstrated a high degree of professionalism and impartiality.

Citation:

1. Ο περί της Δεύτερης Τροποποίησης του Συντάγματος Νόμος του 1996 (106(I)/1996), available at http://cylaw.com/nomoi/enop/non-ind /1996_1_106/full.html.
2. OSCE/ODIHR Election Assessment Mission Final Report, Republic of Cyprus, Parliamentary Elections 22 May 2011, Warsaw, 7 September 2011, available at, <http://www.osce.org/odihr/elections /82242>.

Ireland

Score 8

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

A person must be ordinarily resident at the address recorded in the electoral register on the September 1 prior to the coming into force of the register. There is limited provision for postal voting. There is no register of the population in Ireland on which the register of voters might be based. Instead an electoral register is compiled by local authorities.

While there is no evidence of systematic discrimination or disenfranchisement of any social groups in the compilation of the electoral register, inconsistencies have been repeatedly exposed, displaying a lack of investment in the electoral process and even a lack of concern for its integrity.

The new Programme for Government published in March 2011 contained a commitment to establishing a Convention on the Constitution to consider comprehensive reforms, including “a Review of our Dáil electoral system.” The Convention on the Constitution – an experiment in deliberative democracy – has recommended lowering the voting age from 18 to 16. The government is due to announce whether or not it will implement this change. The Irish Times has reported that the cabinet has accepted this recommendation and the issue of lowering the voting age to 16 will be put to the people in a referendum.

Citation:

Preliminary study on the establishment of an electoral commission in Ireland, submitted to the Department of the Environment, Heritage and Local Government

by: Richard Sinnott, John Coakley, John O'Dowd, James McBride,
Geary Institute University College Dublin
November 2008

Programme for National Recovery 2011-2016, March 2011

Convention on the Constitution: www.constitution.ie

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

Japan

Score 8

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

One long-standing and controversial issue concerns the relative size of electoral districts. Rural districts still contain far fewer people than do congested urban areas. In March 2011, the Supreme Court ruled, in line with earlier decisions, that the maximum electoral-district size difference of 2.3:1 in the 2009 lower-house elections was unconstitutional. However, the court did not invalidate the election. The Diet was thus under pressure to take action before the approaching next round of lower-house elections. Although bipartisan support for reforms was finally achieved, these changes could not be implemented in time for the election. LDP politicians insisted on going ahead with the balloting anyway, counting on the leniency of the courts. Indeed, the Supreme Court did not stop the election; however, the results were in several cases the subject of successful appeals by concerned citizens. The Supreme Court was expected to deliver a final ruling on the issue in 2013.

Citation:

Michael Cucek, Japanese high courts trip up the Abe government, EastAsiaforum.org, 4 April 2013, <http://www.eastasiaforum.org/2013/04/04/japanese-high-courts-trip-up-the-abe-government/> (accessed April 2013)

Luxembourg

Score value_6

Voting is compulsory in Luxembourg for those listed on the electoral register. To vote, one is required to be a national of Luxembourg, be at least 18 years old on the day of elections, have full civil and political rights and live in the country. Citizens living abroad temporarily or those over the age of 75 can vote by mail. There is no observable discrimination as part of the voting process.

Experts have consistently criticized the representative makeup of parliament as insufficient, as it does not include migrants and cross-border commuters who constitute 80% of the labor force in the private sector and who are the main driving force of the national economy. Some 45% of the resident population may not vote in national elections as they are not Luxembourg nationals. Of those, 85% are EU citizens and are entitled to participate in European elections and in municipal elections. All foreigners, EU citizens as well as citizens from third countries, have the right to participate in local

elections, provided they fulfill certain residency requirements and are registered on the electoral list. Inscription conditions have been eased over the years. However, non-nationals' interest in political participation at the local level remains low. In the 2011 municipal elections, only 16.9% of those eligible to vote actually took part. The Chamber of Commerce and the Support Association for Immigrant Workers (Association de Soutien aux Travailleurs Imigrés, ASTI), promote the participation of migrants within national elections. During the period, voting rights for resident foreigners in parliamentary elections became a hotly debated issue, opposed by established parties and favored only by the Greens (Déi Gréng) and the Left party (Déi Lénk).

Citation:

<http://www.gouvernement.lu/dossiers/elections/systeme-electoral/index.html>.

Mexico

Score 8

At the national level, Mexico by and large conforms to the standards of a Western-style electoral democracy. The electoral machinery is independent and widely respected, and the federal courts enjoy jurisdiction over district and lower-level courts, and also over state and municipal elections. Members of political parties can also bring legal cases against the parties to which they belong. In fact, the number of cases referred to the courts relating to electoral matters has risen sharply in recent years. Old authoritarian practices have also decreased to a marginal degree at the national level. Some provisions governing state and local elections are determined locally, and some of those are characterized by bias. Even so, electoral exclusion is not significant enough to be a problem. The same electoral register is used for federal and state/local elections. Voter registration requires the production of an identity card. There are good reasons for this stipulation, since multiple voting was common in the past in some parts of Mexico. However, the identity card requirement dissuades some less-educated Mexicans from registering to vote, which is a problem common to most countries with relatively high rates of social marginalization. Another cause of concern is that some members of indigenous groups, who do not speak or write Spanish, are sometimes simply told how to vote by local leaders.

Turkey

Score 8

All Turkish nationals over the age of 18 can exercise the right to vote (constitution, Article 67). The Supreme Election Board is the sole authority in the administration of Turkish elections (Law 298, Article 10). The General

Directorate of the Electoral Registry, a part of the Supreme Election Board, prepares, maintains and renews the nationwide electoral registry.

Armed services privates and corporals in active duty, military school students and convicts in prison cannot vote. The Supreme Election Board determines measures to be taken to ensure the safety of vote counting, when detainees in penal institutions or prisons vote.

In 2008, a law to facilitate voting for Turkish citizens who are not living or present in Turkey during elections was adopted (Law 5749). However, the government cancelled voting outside Turkey during the 2011 parliamentary elections (for example, in Germany) due to security reasons.

Despite the recent renewal of the national electoral registry based on an address registration system, there are still disputes over double registration or no registration, or even the false registration of non-Turkish citizens. Turkey experiences huge internal migration, and is a transit country for asylum seekers. Voter lists are posted before elections, and citizens can then correct mistakes or deal with issues of non-registration. However, most citizens do not check the posted voter lists, and hence the new system was introduced to eliminate such mistakes. The census directory is also opened during Election Day to reissue lost or incorrect identification cards. Voters are not eligible to have their names included on voter lists if they have not received a personal identity number, which serves as a safeguard against possible multiple voter registrations. In addition to registration problems, the total number of voters in recent elections was almost 10 million voters higher than in the previous contest. Since the total population of Turkey increased only by 3 million during the period, the gap of 7 million has not easily been explained.

The 2011 parliamentary election report by the Organization for Economic Cooperation and Development (OECD) urges that consideration be given to extending the period of public scrutiny of voter lists, and to bringing the deadline for changes to voter lists closer to Election Day.

Parliamentary and local elections are conducted by election boards under the supervision of the Supreme Election Board. Investigations over irregularities, complaints and objections concerning elections and the verification of election returns are done by the local election boards, with the Supreme Election Board as a final check (constitution, Article 79 of 1982). A court case following local elections in 2009 was opened by the state prosecutor following allegations of stolen votes and election fraud committed by the chairman of the local election board in Beylikduzu (a suburb of Istanbul) where the opposition party's candidate lost.

Citation:

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

United States

Score 8

Voter registration is subject to regulation by the federal government, but it is administered by the states, which vary in how they administer it. Most discriminatory practices have been eliminated through federal regulation and enforcement in the last 50 years. It is important to note that in most states, voters have to apply to be added to the rolls. The provisions for registration vary a lot between the states, making the process complex and hard to understand. Some scholars link complex procedures in registration to lower voter turnout rates.

Moreover, during the 2011 legislative sessions, Republicans pushed forward measures that made it harder for some groups to vote. The Republican lawmakers argued better voter identification laws were needed to prevent voter fraud and abuse, but Democrats pointed out that such abuse occurs on an insignificant level. Critics accused Republicans of simply trying to make it harder for some Americans – particularly typically Democratic voters such as African-Americans, the elderly, students and people with disabilities – to exercise their fundamental right to cast a ballot. By October 2012, the month before the presidential election, 24 states either had passed or were considering legislation that would tend to restrict opportunities for voting. Some of the measures were delayed by the U.S. Department of Justice, under the Voting Rights Act, or had been repealed after popular protest or through citizen-initiated referendums.

On a different front, the U.S. Supreme Court decided with a 5:4 majority not to uphold Congress's 2006 25-year extension of the section of the Voting Rights Act that requires specified states or counties with a history of discrimination to pre-clear changes in voting laws with the U.S. Justice Department.

Citation:

Brennan Center for Justice, 2012 voting law changes: Passed and pending legislation that has the potential to suppress the vote, October 3, 2012. Accessed on April 30, 2013. http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Passed_Pending_Legislation.pdf

Bulgaria

Score 7

Bulgarian voters are registered in voter lists maintained by the municipalities. Voter lists are published in advance of the election day, and voters can also check their presence on the lists online. Every person who is not included in the voter list at their place of residence can ask to be included, and if not included can appeal to the courts. Bulgarian citizens residing abroad have the right to vote in parliamentary and presidential elections, as well as in national referenda. They can do this at the various consular services of Bulgaria, or if they establish a polling station themselves in accordance with procedures specified in the election code. However, there are two important limits to voting rights. Firstly, contrary to the European Convention on Human Rights, people serving prison sentences are not allowed to vote. Secondly, while citizens who want to vote outside of their permanent place of residence can obtain a special permit from their municipality, there is no facility for voting by mail. The 2011 presidential elections and the 2013 parliamentary elections prompted allegations of voting fraud which have not been proven, but have further reduced public trust in the political system.

Croatia

Score 7

All citizens of voting age are entitled to participate in elections, and the legislation is strongly inclusive. For example, prisoners are eligible to vote, and persons without legal capacity could participate for the first time in the European Parliament elections held in April 2013. The main problem relating to voting rights has been the excessive number of registered voters with no real residence in Croatia and the bad state of the voting register. However, amendments to the Voters' Register Act in advance of the European Parliament elections state that only citizens with permanent residence in Croatia and a valid ID have the right to vote without registering for a particular election. As a result of this provision and a thorough cleaning of the voting register, the number of citizens entitled to vote has fallen by about 760,000 – a drop of more than 15% from the January 2012 referendum on Croatia's accession to the European Union.

Hungary

Score 7

As part of its overhaul of electoral law, the government under Prime Minister Orbán has also tried to alter provisions on voter registration. Legislation adopted in late 2012 required voters to register online or in person at least two weeks before an election. Officially justified the change as a way of

ending discrimination of Hungarians living abroad (who have always had to register before elections), the new registration requirement was broadly perceived as an attempt to disenfranchise core constituencies of the opposition, such as the elderly or the poor. Similar to the ban on campaign ads in private media, the change in registration rules was declared unconstitutional by the Constitutional Court in January 2013. Controversies also exist with regard to Hungarians voting abroad. As some neighboring states do not support dual citizenship, the Fidesz government wants to keep such voting secret, which thus opens the possibility of vote manipulation. The Fidesz government has not addressed the restrictions on voting rights associated with the disenfranchisement of convicts and the absence of voting by mail.

Latvia

Score 7

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

Latvia has a significant population of non-citizens who cannot participate in any elections.

Voting procedures for non-resident citizens can in practice present obstacles. The number of Latvian diplomatic representations is limited, sometimes requiring voters to travel long distances at significant expense, while the postal option requires a passport to be submitted via post for three weeks, something many voters are reluctant to do.

Election observers in the 2011 parliamentary elections found no major faults with voting rights and access.

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

Citation:

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

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

Malta

Score 7

Malta's electoral laws are, for the most part, effective and impartial. While there is no legal obligation to vote, turnout at general elections is high at over 90%. Recent European Court of Human Rights decisions favoring voting rights for convicts go against Maltese law, that states that any individual sentenced to a minimum prison term of one year is not allowed to vote in Maltese elections. Similarly disenfranchised are persons whom, upon conviction, are also forbidden from civil or public office, irrespective of whether their sentence also included a prison term. Residency qualifications in the electoral law also create obstacles to voting. Citizens who are away from Malta for six consecutive months during an 18-month period may forfeit their right to vote, and it is usual for political parties to seek the disqualification of these individuals. There have been also cases of non-residents who remain on the electoral register unchallenged and vote in breach of the law; the use of expired identification cards facilitates this practice. Citizens who are abroad but are legally qualified to vote face other obstacles, as Malta does not have a system of postal or electronic voting. To vote, the citizen must return to Malta, and state-subsidized airfare from some countries is made available; also, a citizen may make arrangements to vote prior to traveling. Amendments to the Electoral Law 2012 have strengthened the voting rights of some citizens, primarily those who celebrate their 18th birthday after the publication of the electoral register. Other changes have helped patients to cast their votes during a hospital stay. Residents who are not citizens may not vote in national elections, yet in line with EU law, they may participate in local or European Parliament elections, though there have been registration problems.

Citation:

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

<http://www.timesofmalta.com/articles/view/20130220/local/Should-prisoners-in-Malta-be-allowed-election-vote-.458430>

Romania

Score 6

All Romanians over 18 years are eligible to participate in national elections with the exception of the mentally impaired or convicts whose electoral rights were removed by a court sentence. Voters can vote with a valid identity card only at the polling station associated with their home address or if they provide proof of residence in the territory of a given polling station. While this provision is important to reduce the opportunities for multiple voting, it also means that citizens without a proper domicile – and hence without

government IDs – are disenfranchised. This problem disproportionately affects the Roma minority, of which a sizeable share lacks proper IDs. Another problem concerns Romanian citizens living abroad: while such citizens are allowed to vote in polling stations abroad, the small number of international polling stations creates significant barriers to voting, and even though more than two million Romanians reside abroad they are only represented by four members of parliament and two senators. In the 2012 impeachment referendum, several cases of election fraud occurred, some of them involving the manipulation of voter lists.

Citation:

OSCE/ODIHR (2012) Romania Parliamentary Elections, 9 December 2012 OSCE/ODIHR Election Expert Team Final Report <http://www.osce.org/odihr/elections/96479> [Accessed on 7/3/13]

Indicator

Party Financing

Question

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

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

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

Belgium

Score 10

All political parties represented in Parliament are largely financed by the state, and private contributions are limited. Electoral campaigns at all levels are subject to tight regulations on allowed spending, both in terms of amount and item. After the election, all advertising and campaign spending and contributions are scrutinized in detail, with no partisan bias. Candidates who infringe the rules may, for instance, lose the right to be elected, even though such instances are rare. In most cases, a range of more modest (financial) sanctions are implemented, typically seeing the candidate to reimburse non-eligible expenses or over-expenses. Tight financial control is also exerted during non-electoral periods.

Australia

Score 9

All candidates in state and federal elections are entitled to public funding, subject to obtaining at least 4% of the first preference vote. The amount to be paid is calculated by multiplying the number of votes obtained by the election-funding rate for that year. The funding rate is indexed every six

months to increases in the Consumer Price Index; for the 2010 election, it was 231.191 cents per eligible vote in both houses of Parliament (House of Representatives and Senate). The total election funding paid at the 2010 federal election was \$53.2 million. The Australian Electoral Commission (AEC) administers the distribution of funding and provides full public accounts of payments made. Several of the state and territory governments have legislated in recent years to improve disclosure requirements and in some cases limit donations, while other states, such as Victoria, introduced a non-binding “Code of Conduct” in October 2011.

For private funding, there are no limits on the value of donations, and while there are disclosure rules, they are not comprehensive and vary considerably across state governments. At the federal level, for example, disclosure of donors to the parties leading up to the 2010 federal election occurred only in 2012. The AEC does, however, rigorously monitor and enforce the disclosure requirements in place.

Private funding has been an area of considerable public discussion in recent years, particularly in relations to disclosure requirements. Yet the threshold for disclosure has been raised to AUD 12,100 and will rise to AUD 12,400 on 1 July 2013. A parliamentary committee inquiry into election finance reform options was also established as part of the agreement and the committee produced its report in December 2011. However, as yet, no changes have been legislated.

Citation:

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

Denmark

Score 9

Members of political parties pay membership fees. These fees, however, are inadequate for financing the activities of the parties, including the financing of electoral campaigns. Parties therefore depend on other sources of income. There are basically two other sources: support from other organizations and public support. Traditionally, the Social Democratic Party has received support from the labor movement, specifically from various trade unions. The parties on the right of the political spectrum, the Conservative Party and the

Liberal Party, have traditionally received support from employers' organizations. A law enacted in 1990 outlined that such contributions are voluntary, so members of these organizations who do not want their membership fees used to support political parties can opt out.

Public support for political parties is becoming more important. The party groups in the People's Assembly (Folketing) receive financial support for their legislative work, including staff. Further, the parties receive electoral support. Parties that participate in parliamentary elections and received at least 1,000 votes in the most recent election have a right to financial support. In 2013, this support was DKK 29.5 per year, per vote received in the last election.

There is full transparency about such public support. Concerning private support, the name of contributors donating more than DKK 20,000 should be made public, but the amount donated is confidential. Smaller amounts are allowed to remain anonymous. It is possible to circumvent publicity by donating below the limit to local branches of political parties. The Danish branch of Transparency International has criticized these rules as insufficiently transparent.

Citation:

Partistøtte [Party support], <https://www.borger.dk/Sider/Partistoette.aspx> (accessed 16 April 2013)
Transparency International Danmark, "Privat Partistøtte," http://transparency.dk/wp-content/uploads/2012/12/Policy-Paper_Privat-partist%C3%B8tte_elektronisk-version.pdf (accessed 16 April 2013).

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

Finland

Score 9

In the wake of secretive political financing scandals in 2008 – 2009, new campaign finance legislation has been implemented that has forced the political elite to disclose the source of political money and has provided for independent and efficient monitoring. There are now bans on donations from foreign interests to parties and candidates, likewise on donations from corporations with government contracts and on donations from anonymous donors. There are limits on the amounts a donor can contribute to a political party over a time period or in relation to an election. Candidates have to report on campaign financing, and the reports are to be made public; ministries and auditing agencies receive such reports. Party and candidate finance scandals attracted and still attract media coverage; according to a 2012 report on Finland by Jan Sundberg, studies show that the Center Party (Kesk) lost voters due to the scandal. As a result of the new rules, party financing has improved overall and polls that track the public's attitude over politicians' credibility have also improved.

Citation:

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

Demokratiapuntari 2012: Yhteenveto. Ministry of Justice/MTV3/tnsGallup, 02/2012. http://www.kansanvalta.fi/Etusivu/T_utkimusjakehitys/Julkaisujatutkimuksia.

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

Sundberg, Jan (2012): Finland. In: European Journal of Political Research Political Data Yearbook 51: 96–102.

Ireland

Score 9

The financing of political parties in Ireland is supervised by the Standards in Public Office Commission. Each of the 14 political parties registered to contest a parliamentary or European election is required to furnish a donation statement to the commission and to publish annual accounts.

The commission's last published annual report is for 2011, and reflects the situation during an election year before the changes of the 2012 legislation were introduced. The total value of donations disclosed by parties during 2011 was €266,484.98, averaging €1,330 per recipient. The overall election expenses incurred on behalf of candidates and political parties at the 2011 general election amounted to €9,277,638, a decrease of approximately 16% on the figure reported for the 2007 general election, even though there were 100 additional candidates in 2011.

In keeping with a commitment in the Programme for Government, the Electoral (Amendment) (Political Funding) Bill, which passed into law in July 2012, addressed several issues relating to the financing of political parties. The thresholds for disclosure of donations were reduced. Political party accounts must now be published and the transparency of donations has been enhanced. Furthermore a quota system will be introduced to ensure that 30% of all candidates at election are women. Failure to comply will result in a cut in political funding from the state.

Israel

Score 9

The state of Israel has strict rules concerning party financing and electoral campaigns. The most important are the Parties Law (1992) and the Party Financing Law (1992). These two laws require all parties to document their finances and provide financial reports in accordance with the instructions of the State Comptroller. These laws also stipulate the means by which parties can receive income. These include:

- Party membership dues and fundraising from members, within limits allowed by the Party Financing Law;

- Funds received from the state in accordance with the Party Financing Law;
- Private contributions received in accordance with the Party Financing Law;
- Funds received for the purpose of elections in the New Histadrut trade union association (as approved by the New Histadrut); and
- Funds obtained from party activities, directly or by means of party associations, involving the management of party property.

In addition, throughout the electoral period, all financial activities are subject to the supervision and monitoring of the State Comptroller, which has on several occasions issued instructions that have the status of subsidiary legislation. This office publishes regular reports regarding party finances, and is in charge of determining whether parties have followed the law on these issues. The comptroller also has the right to require a party to return funds to the state if there are discrepancies regarding its private contributions.

Citation:

Hattis Rolef, Susan, Ben Meir, Liat and Sarah Zwebner, Party Financing and Elections Financing in Israel, Knesset Research Institute, 21 July 2003 (Hebrew).

Norway

Score 9

The funding of political parties in Norway is predominantly public. On average, parties receive about three-quarters of their revenues through state subventions (ranging from 60% to 80%). Membership fees are now an insignificant source of party finances. Parties also receive private donations; for example, the Labor Party receives funds from particular trade unions, while the Conservative Party receives donations from individuals and business organizations. State support for parties is proportionate to the results of the last-held election, but even parties not represented in parliament have access to state support.

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

Canada

Score 8

The Canada Elections Act requires registered parties or electoral-district associations to issue income-tax receipts for contributions, and to make public reports on the state of their finances. Furthermore, the act requires registered parties to report and make public all contributions of more than CAD 5. Elections Canada provides access to the full database online for public use. Corporations, trade unions, associations and groups are prohibited from contributing to political parties. Only individuals are allowed to contribute, to a maximum of CAD 1,100 per year to registered parties, a maximum of CAD 1,100 to electoral candidates, and finally an additional maximum of CAD 1,100 to candidates in political party leadership contests. Individuals receive generous tax credits for political donations. Political parties are also funded by the government. Each registered federal political party that received at least 2% of all valid votes in the last general election, or at least 5% of the valid votes in the electoral districts in which it had a candidate, was given CAD 2.04 per vote received in the 2011 election. However, the current government reduced the subsidy to CAD 1.53 on April 1, 2012. The subsidy is slated to be further reduced on each subsequent April 1, until it is eliminated in 2015. Of the ways in which federal parties are allocated public funding, the per-vote subsidy is largely considered to be the most democratic, so this measure may be seen as negative from the perspective of the fairness of party financing.

Czech Republic

Score 8

The rules for the financing of parties and election campaigns in the Czech Republic have traditionally been relatively liberal. The first direct presidential elections in 2012 – 2013 were conducted under a stricter framework which indicates awareness of a need to control electoral finances. The law required separate accounts for election campaigns which would contain all details on expenditure and donations and would be made public after the election. Spending was restricted to CZK 40 million, with CZK 50 million allowed for participants in the second round. Some candidates, including Milos Zeman, who won the election, made their accounts public prior to the election in response to accusations of irregularities.

Estonia

Score 8

Financing of political parties is regulated by the Act on Political Parties (APP). All parties have to keep proper books and accounts, specify the nature and value of donations and membership fees, and publish their financing regularly on their party's website. Amendments of the APP that entered into force in April 2011 strengthened and clarified the rules on financing. One of those amendments stipulated the establishment of an independent body, The Supervision Committee (ERJK), which checks whether parties have properly declared all financial resources and spending; the committee can also issue precepts cases when parties violate the law. Despite significant improvement, several loopholes for circumventions still remained. In order to improve the situation, the next amendment of APP was launched in May 2013. With these amendments the regulatory and investigative powers of the Supervision Committee will further expand. Also, the definition of legal and illegal donations will be clarified. Illegal party financing is common in Estonia as recent scandals have shown. For example, one of the parties allegedly receives financing from the Russian government.

Citation:

Third Round Evaluation Report by GRECO on Transparency of Party Funding

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2012\)1_Second_Estonia_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2012)1_Second_Estonia_EN.pdf)

<http://www.baltictimes.com/news/articles/31282/>

http://www.economist.com/blogs/easternapproaches/2010/12/estonias_dirty_xmas

Germany

Score 8

Germany's political parties finance their activities under the terms of the Political Parties Act (PPA) through state funding, membership fees, donations, and sponsorships. In order to be eligible for state funding, parties must win at least 0.5% of the national votes in federal or EU elections, or 1% in federal-state elections. A party's first 4 million votes qualify it for funding of €0.85 per vote; for every vote thereafter, parties receive €0.70. In addition, individual donations up to €3,300 Euro are provided with matching funds of €0.38 per €1 collected. State funding of political parties has an upper limit, which in 2012 was €150.8 million. From 2013 onward, this cap will be annually adjusted for inflation. Germany has no legislative campaign-finance or expenditure caps.

The transparency of party finances continues to receive some criticism. The Group of States against Corruption (GRECO) has identified some progress with respect to transparency, but continues to point out shortcomings in the

system (GRECO 2011). In a recent assessment based on the accounting reports of all major parties, the nonprofit organization LobbyControl found that three-quarters of all donations to parties lack transparency. By law, the names and addresses of campaign donors must be made public only if donations from that source exceed €10,000 a year.

German regulation on party-financing monitoring is developed, but there is still room for improvement. Under Article 21 Section 1 of the Basic Law and Article 23 of the PPA, parties must file annual financial reports with the president of the Bundestag by the end of nine months after the close of the reporting year. If a party fails to comply, a fine of two or even three times the amount of a misstated donation can be imposed.

In recent years, several parliamentary parties have been accused of circumventing the PPA regulations.

Luxembourg

Score 8

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

The GRECO Evaluation Team (GET) has complained about the lack of a uniform assessment method to evaluate various services and benefits in kind, such as positive coverage by partisan media during the election campaign, and demands a system of "effective, proportionate and dissuasive penalties" for those who break the law. Despite the new law, GET has pointed out that political parties still have no specific legal status. The major finding of the evaluation was the lack of public control over political party accounts, as the parties often have had difficulties setting up an accounting system. Most of the issues raised in the GRECO report have been since corrected through more legislation, and political parties have paid more attention to such concerns.

Citation:

Loi du 21 décembre 2007 portant réglementation du financement des partis politiques

GRECO, Evaluation Report on Luxembourg on the "Transparency of Political Party Funding", Strasbourg, 13 June 2008

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2007\)6_Luxembourg_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2007)6_Luxembourg_Two_EN.pdf)

New Zealand

Score 8

Until recently, electoral finance laws were neither highly regulated nor tightly enforced. The Electoral Finance Act 2007 sought to reform party financing and election campaign financing in a comprehensive manner. However, the act was repealed in 2009 following a public and media backlash, some of which resulted from problems of legal definition. It was replaced by the Electoral (Finance Reform and Advance Voting) Amendment Act. Party financing and electoral campaign financing is monitored by the independent Electoral Commission. Registered parties have upper ceilings regarding election campaign financing (including by-elections). Upper limits for anonymous donations as well as donations from abroad are comparatively low. In 2012, a government minister, John Banks, was accused of breaching the Local Government Act 2002 by failing to disclose the sources of three substantial donations made to his 2010 Auckland mayoral campaign, sources which he declared as anonymous. In late 2012, the government introduced the Local Government Amendment Bill, which sought to bring local election laws into line with the provisions of the aforementioned Electoral Amendment Act.

Citation:

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

Poland

Score 8

The regulation of party and campaign financing is clear and effective. While party financing is governed by the 2001 Political Parties Act, the rules on campaign financing are part of the new 2011 Election Code. Parties depend heavily on public funds, limited to parties that win at least 3% of the vote. Party spending is monitored by the National Election Office, the executive body of the National Election Commission, which consists of nine active or retired judges appointed by the president. Monitoring is strict, but limited to spending financed by public funds. According to the Election Code, only registered electoral committees can finance campaigns, and there is a maximum spending limit for campaign purposes of approximately €7 million. In practice, the separation of party and campaign financing has turned out to be challenging.

Austria

Score 7

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

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

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

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

France

Score 7

Lacking a sufficient legal framework, party financing has been a source of recurrent scandals related to illegal funding practices. Nearly all parties, notably the parties in government, used to finance activities by charging private companies that were working for local public entities or by taxing commercial companies requesting building permits. Only since 1990 has a decent regulatory framework been established, and since then, much progress has been made in discouraging fraud or other illegal activities. However, not all party financing problems have been solved. Current legislation outlines state public funding for both political parties and electoral

campaigns, and establishes a spending ceiling for each candidate or party. The spending limits cover all election campaigns; however, only parliamentary and presidential elections enjoy public funding. Individual or company donations to political campaigns are also regulated and capped, and all donations must be made by check, except for minor donations that are collected, for instance, during political meetings. Donations are tax-deductible, with certain limitations. Additionally, regulations (in particular the law of 15 January 1990) established new checks and controls that are applicable for all elections in constituencies with more than 9,000 residents. Within two months after an election, a candidate has to forward the campaign's accounts, certified by an auditor, to the provincial prefecture, which does an initial check and then passes the information on to a special national supervisory body (the Commission Nationale des Comptes de Campagne et des Financements Politiques). In presidential elections, this review is made by the Constitutional Council (Conseil Constitutionnel).

These controls have made election financing more transparent and more equal. Yet loopholes remain. For example, the presidential campaign of Edouard Balladur in 1995 has been placed under criminal investigation, over concerns that several million euros were paid to the campaign out of a contract with Pakistan for the sale of military submarines. The Constitutional Council has reviewed former President Sarkozy presidential reelection campaign, and decided in July 2013 that he had exceeded his spending limits. As a penalty, his party had to return €11 million to the state.

In case of violations, three types of sanctions can be brought, including: financial (expenditures reimbursed), criminal (fines or jail) or electoral (ineligibility for electoral contests for one year, except in the case of presidential elections).

Japan

Score 7

While infringements of the law governing political-party financing have been common in Japan, the frequency and magnitude of this type of scandal have declined in recent years. To some extent, however, the problems underlying political funding in Japan are structural. The multi-member constituency system that existed until 1993 meant that candidates from parties filing more than one candidate per electoral district found it difficult to distinguish themselves on the basis of party profiles and programs alone. They thus tried to elicit support by building individual and organizational links with local voters and constituent groups, which was often a costly undertaking. Over time, these candidate-centered vote-mobilizing machines (koenkai) became a deeply entrenched fixture of party politics in Japan. Even under the present electoral system, most politicians still find such machines useful. The

personal networking involved in building local support offers considerable opportunity for illicit financial and other transactions. While the Political Funds Control Law requires parties and individual politicians to disclose revenues and expenditures, financial statements are not very detailed.

During the period under review, the issue of political funding issue was raised by a scandal involving Ichiro Ozawa, a former leader of the DPJ that left this party in 2012. The case concerned real-estate transactions in the mid-2000s, as well as falsified financial reports. In September 2011, three Ozawa political aides were found guilty by the Tokyo District Court. Ozawa himself was acquitted in 2012. Ozawa has been a controversial but influential political figure for decades; thus, the continuous flow of critical media reports dealing with the scandal served to strengthen the Japanese public's negative impressions of the political establishment.

No other major new political-funding scandals emerged during the latter part of the reporting period.

Latvia

Score 7

Political parties are financed primarily through individual donations. Donation amounts are capped; legal entities such as corporations are prohibited from financing political parties. Financing is transparent, with donations required to be made public on the Internet within 15 days. Campaign spending is capped. As of 2012, paid television advertisements are also limited, with a ban on advertising for a 30-day period prior to elections. Political party and campaign financing is effectively monitored by the Corruption Combating and Prevention Bureau (Korupcijas novēršanas un apkarošanas birojs, KNAB), with local NGOs playing a complementary role in monitoring and ensuring transparency. Infringements have been sanctioned, with political parties facing sizeable financial penalties. The court system has been slow to deal with party-financing violations, enabling parties that have violated campaign-finance rules to participate in future election cycles without sanction. Ultimately, however, those parties that have faced stiff penalties have chosen to dissolve or have been voted out of office.

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

As of 2012, Latvia has instituted public financing for political parties, with parties receiving public funds proportionate to votes cast in the last (2011)

parliamentary elections. The first reporting cycle on the use of these funds will conclude in mid-2013.

There are still ongoing issues of concern in campaign financing regarding the use of off-the-books funds to secure favorable media coverage, the illegitimate use of public funds and administrative resources to support political campaigns, and the alleged use of marketing funds by local-government-owned enterprises to support incumbents in elections.

Citation:

1. Amendments to the Criminal Law Regarding Illegal Party Financing (2011), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=236272>

2. Group of States Against Corruption (GRECO)(2012), Third Evaluation Round, Second Compliance Report on

Latvia: Transparency of Party Funding, Available at: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282012%2913_Second%20Latvia_EN.pdf, Last assessed: 21.05.2013

3. Law on the Financing of Political Organizations (Parties), Available at (in Latvian): <http://www.likumi.lv/doc.php?id=36189>, Last assessed: 21.05.2013

Lithuania

Score 7

Political parties may receive financial support from the state budget, membership fees, bank loans, interest on party funds and through citizens' donations of up to 1% of their personal income tax, as well as through income derived from the management of property; the organization of political, cultural and other events; and the distribution of printed material. State budget allocations constitute the largest portion of political parties' income, as corporations are no longer allowed to make donations to political parties or to election campaigns. Although campaign finance regulations are detailed and compliance with them is monitored, there are certain gaps in party-financing regulations. For instance, the OSCE has recommended setting reasonable limits on political-party membership fees so as to increase financing transparency. This institution also recommended that the authorities responsible for supervising party and campaign finance should improve their monitoring and audit efforts, as there are current gaps in the enforcement of the existing regulations. For example, the ruling Labor Party has been brought to court for failing to include about €7 million in income and expenditure in its official records through the 2004 – 2006 period. This bookkeeping fraud case, which had lasted for more than six years, had not yet concluded at the time of writing., illustrating the difficulties in enforcing party-financing rules.

Citation:

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

Mexico

Score 7

Mexico's elections are highly regulated by the state in order to prevent drug cartels from influencing the electoral process. The high degree of regulation applies to elections at the municipal, state and national level. The regulatory agency, the IFE, is constituted along party lines but with entrenched rules of minimum majorities, preventing domination by one party. Political parties are to a significant degree financed by the state and there are restrictions on the amount of fundraising permitted. According to the rules, political parties are not allowed to advertise directly at election time. They must ask the IFE to book advertising instead. Electoral expenditures are similarly controlled. Sanctions are frequent and take the form of fines. There are transgressions, of course, but not all of them are discovered. Moreover, the IFE does not overfine parties for fear of retaliation. In general terms, the party financing system works well, despite the looming threat that organized crime will try to penetrate the electoral process in some regions and municipalities in the future.

Portugal

Score 7

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

Parties' annual accounts and separate electoral campaign accounts are published on the ECFP website and are scrutinized by this entity. At the time of writing, assessments of the 2011 election campaign accounts have not yet been published. However, taking into account previous experience, we can conclude that there remains scope for irregularities in party financing and campaign financing.

While irregularities are assessed, this assessment takes place long after infractions are committed. For instance, the Constitutional Court's ruling on the 2008 party accounts was only pronounced in September 2011, and the Court's evaluation of the 2009 legislative election campaign accounts only took place in July 2012. Moreover, the sanctions for infractions are relatively small and infrequent. A 2012 study on control of party accounts – based on interviews with both the ECFP and party representatives – noted that the

ECFP lacked human resources, which also limits its capacity to fully monitor party and election funding.

Citation:

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

United States

Score 7

At the federal level, campaign finance law is enacted by Congress and enforced by the Federal Election Commission (FEC). The Federal Election Campaign Act of 1974 and the Bipartisan Campaign Reform Act of 2002 (McCain Feingold Act) made the system of contributions to candidate campaigns and political parties very transparent and strictly regulated. Although private contributions to parties and candidates are effectively controlled, so-called "independent expenditures" – where supporters spend funds for candidates' benefit, usually by sponsoring campaign advertisements, without coordinating with them – have been subject to fewer, and steadily diminishing, constraints. More significantly, in the 2010 Supreme Court ruling, *Citizens United v. Federal Election Commission*, the court rejected any limits on private advertising in election campaigns. As a consequence, corporations and unions may raise and spend unlimited amounts of money on political advertising.

As a result, the 2010 and 2012 elections saw the rise of so-called Super PACs – political action committees able both to make unlimited contributions on behalf of parties or candidates, and to receive unlimited contributions from individuals, corporations or other entities. In short, a business firm, trade association, wealthy individual, or other entity can contribute literally any amount of money for campaigning on behalf of a party or candidate; they just cannot give it directly to the party or candidate. Neither the contributor nor the candidate or party can be held accountable, unless (as often occurs) the contributor wants to take the credit.

The 2012 presidential and congressional elections witnessed truly vast amounts of unaccountable private spending, in both primary and general elections, for both Congress and the presidency. "More than 400 super PACs spent more than \$600 million directly supporting or opposing candidates." To date, empirical research has not demonstrated consistent or dramatic effects of private campaign contributions on policy decisions by senators or representatives – whose individual roll call votes provide convenient opportunity to test for such effects.

Citation:

Garrett, R. Sam, Super PACs in federal elections: Overview and issues for Congress, Congressional Research Service, April 4, 2013. Accessed on May 1, 2013. http://www.fas.org/sgp/crs/misc/R42_042.pdf

Bulgaria

Score 6

Party financing in Bulgaria is regulated by the Political Parties Act. Parties are financed through a combination of a state subsidy, membership dues, property income, and sale of publications and royalties. They are also allowed to draw bank credit up to a set cap. Anonymous donations are not allowed, and donations can be made only by individuals, not by companies or other legal entities. The audit office oversees party financing in Bulgaria. Every year parties are obliged to submit a full financial report, including a description of all their properties and an income statement. Reports from parties with budgets larger than €25,000, must be certified by an independent financial auditor. The audit office is obliged to publish all these reports online, to perform a thorough check of the reports, and to prepare and publish online its own auditing report. Parties are subject to sanctions for irregularities in their financial reporting, to which the online availability of all reports adds the possibility of public political sanction. According to the Election Code, parties are also obliged to submit a special financial report to the audit office after each election campaign. The audit office also makes these reports available online.

While the formal framework for party financing in Bulgaria is broadly adequate, the implementation is imperfect. Although no major scandals have resulted from the audits, there is a broad feeling that the official reports do not reflect the true financial situation of the parties. A further problem is that state financing of political parties has tended to benefit the larger parties. This has been mainly because the funding that parties receive from the state is linked to the number of votes cast for them in the most recent parliamentary election. This has made it difficult for small, new parties to emerge without significant private financial support.

Iceland

Score 6

According to the 2006 law on political-party financing, public grants to political parties are of three types. First, any political party or movement with one or more member in the parliament or which attained 2.5% of the total vote in the last elections is awarded a grant every year according to its share of the votes. Second, parties in the parliament, including parties in opposition, receive annual support based on the number of their serving legislators. Third, every municipality with more than 500 inhabitants has to pay grants to every party with at least one member in the local council or which won at least 5% of the votes in the last municipal elections. The same

law also addresses private contributions to politics. For example, parties are not allowed to accept more than ISK 300,000 (about €1,700) from any private actor, company or individual.

The National Audit Office (Ríkisendurskoðun) monitors the finances of parties and candidates, and annually publishes summaries that include total expenditure and income. Income must be classified by origin, identifying companies and other legal actors who contribute to the electoral campaign of the parties. Similar rules apply to contributions to candidates in pre-election periods (prófkjör).

In 2007, political parties reached an agreement as to the maximum amount of money that could be spent on TV, radio and newspaper advertisements in the 2007 elections. At that time, this amount was set at ISK 28 million (€175,000). However, there is currently no legal upper limit on electoral spending. The laws on party finances have been under revision since 2009, but no final agreement has been reached.

The law on party financing was originally drafted by a committee made up of party representatives, including the chief financial officers of the main political parties, a noteworthy arrangement in view of the fact that the National Audit Office has disclosed, among other things, that fishing firms gave 10 times as much money to the Independence Party and the Progressive Party during the 2008 – 2011 period as to all other parties combined. The Independence Party and the Progressive Party have been and remain particularly generous toward the fishing industry. The Special Investigation Committee of the parliament exposed huge loans and contributions from the banks to political parties and politicians during 2006 – 2008, just before the crash, on a much larger scale per capita than in the United States, for example.

Citation:

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

Sweden

Score 6

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

This lack of disclosure has become increasingly frustrating to the public, as

the parties receive extensive financial support from the state. The current support amounts to a total of some SEK 444 Million (equal to €53 million) per annum. The only information that is made available about party financing is scattered and provided on an ad-hoc basis by the respective parties.

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

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

Citation:

<http://www.riksdagen.se/sv/Sa-funka-r-riksdagen/Sa-arbetar-partierna/Pa-rtistod/>

United Kingdom

Score 6

The Electoral Commission oversees all political financing in the United Kingdom. The commission is an independent institution set up by Parliament, which publishes all its findings online to make them easily accessible. Although all donations above a certain threshold must be reported to the commission, the fact that political parties are largely dependent on donations for their ever-increasing spending on national campaigns has repeatedly led to scandals such as the “cash for access scandal” in 2010 when access to the prime minister was sold for a party donation. There have also been highly publicized cases where individual donors have been rewarded by being granted honors, and changes have been made in the rules to prevent donations from individuals not resident in the United Kingdom. Although these cases have generated considerable media interest, there is not much evidence that donations have influenced policy.

In 2011, the Committee on Standards in Public Life published a report recommending a cap of £10,000 on donations from individuals or organizations.

Contributions from party members or local associations (through local fundraising) are relatively minor – though still useful to parties – compared to the amount parties receive from institutional sponsors (trade unions in the case of the Labour Party, business associations in the case of the Conservative Party) and individual donors. There is also some state financing of parties (known as “Short Money” after the politician who initiated it in the 1970s). The Conservative/Liberal Democrat government is committed to reforming party financing, but there has been no substantial progress on this issue.

Chile

Score 5

In general, party and campaign financing processes are not very transparent. Upper limits to campaign financing are set by law, but enforcement and oversight is not very effective. Electoral campaign expenditures are financed by public funds and private financing, but ineffective monitoring often enables the latter to be rather opaque. De facto, there are no real measures to apply penalties in the event of irregularities.

In October 2012, Law No. 20,640 was approved, making it possible to elect candidates of a political coalition on a participative basis. This process is voluntary and binding and the respective costs are limited by the current law of public transparency (Ley de Transparencia, Límite y Control del Gasto Electoral). This limit is set at 10% of the amount allocated for normal elections.

Croatia

Score 5

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

Greece

Score 5

There are rules for donations to parties and candidates and also control mechanisms for monitoring the way parties and candidates spend funds during electoral campaigns. Parties receive funds from the state budget on an annual basis. Party financing for national elections is regulated by Law 3023/2002, while the financing of competing electoral lists for local government elections is regulated by Law 3202/2003. Every year, the minister of the interior issues a ministerial ordinance which distributes funds to parties represented in parliament and the European Parliament based on their share of the total vote in the last elections. For instance, in 2013 parties received a total of approximately €11 million. This was an increase over the previous year, 2012, in which the total funds distributed to parties amounted to a little over €6 million.

However, the thresholds of spending set by the law are unrealistic, as expenses to run an electoral campaign are far above what lawmakers have deemed reasonable. Moreover, the monitoring mechanism is a parliamentary committee, whose members are members of parliament of all parties – on other words, they belong to the same group whose expenses are being monitored. This committee of MPs monitors the electoral campaign expenses of their peers. Furthermore, while parties publish information on their finances annually, neither all contributions made to the party coffers nor all sources of revenue are disclosed. In other words, monitoring exists but is more often than not ineffective.

Citation:

<http://et.diavgeia.gov.gr/f/min-int-erior/ada/%CE%92%CE%95%CE%94%CE%A3%CE%9D-353>. Accessed on 05.06.2013.

Romania

Score 5

Political parties' sources of finance encompass party membership fees, donations, incomes from a party's own activities and subsidies from the state budget. By law, annual membership fees cannot exceed 48 minimum gross salaries at the national level and all political parties have the obligation to publish these contributions in the Romanian Official Journal. Similarly, anonymous donations received by a political party cannot exceed 0.006% of its fiscal year funding from the state's budget and the total amount assigned annually to political parties cannot exceed 0.04% of the budget itself. However while laws and regulations are in place, their implementation is lagging. Parties circumvent regulations through a variety of methods such as the creation of fictitious positions and party structures to hide additional sources of income. As a result, parties' and candidates' spending surpasses

the resources they claim and donors' support outstrips their stated income. Moreover, sanctions are rare even in cases of blatant legal breaches. Nevertheless, in January 2012, ex-Prime Minister Adrian Năstase was prosecuted for having illegally funded his 2004 presidential election campaign by collecting approximately €1.6 million from companies who declared these payments as attendance fees for a governmental symposium.

Slovakia

Score 5

As a number of financial scandals in the past have made clear, party and campaign financing in the Slovak Republic have suffered from insufficient regulation and weak monitoring. In January 2012 the main political parties agreed on a bundle of measures aimed at increasing transparency in party funding, including more detailed property returns from politicians, higher penalties for violations of political transparency rules, oversight of political expenses incurred by third parties, as well as detailed records of party spending on local elections. Despite strong pressure by watchdogs like Fair-Play Alliance, Transparency International Slovensko, the Slovak Governance Institute and the Institute for Economic and Social Reforms (INEKO), however, these changes have not been implemented yet.

Slovenia

Score value_6

According to the Act on Political Parties, parties can be financed by membership fees, donations, estate revenues, the profits of their companies' revenues and public subsidies. If a political party wins at least 1% of all votes in the previous parliamentary elections, it is entitled to financial resources from the national budget: 10% of the total budget amount is divided equally between all eligible parties. The remaining 90% is divided among the parties represented in the National Assembly according to their vote share. All political parties must prepare annual reports and submit them to the National Assembly. The reports, which are examined by the Court of Audit, must reveal aggregate revenues and expenditures, report on a party's property and list the origins of all donations that exceed the sum of five average gross salaries in the Republic of Slovenia. There have been many calls to further increase transparency and to strengthen the monitoring and sanctioning of party financing. Special attention has been paid to donations below the threshold and to the scale of loans given to political parties. Most of the parliamentary parties carry significant debt and entered into the December 2011 electoral campaign with limited financial resources.

South Korea

Score 5

Party and campaign financing is a controversial topic in Korea. Due to the low rate of fee-paying membership in political parties (on average less than 0.1% of party members), candidates in elections have to spend huge amounts of money to hire supporters and place advertisements. Parties receive public subsidies according to their share of the vote in the most recent elections. However, a larger share of campaign financing comes from private donations. Nowadays some election candidates raise funds under a special investment (not donation) account, which has emerged as a new popular trend. Although election laws strictly regulate political contributions, efforts to make the political funding process more transparent have had only limited success. Many violations of the political funds law are revealed after almost every election, and many elected officials or parliamentarians have lost their office or seats due to violations. The heavy penalties associated with breaking the political funds law seem to have had only limited effect on the actual behavior of politicians. Breaking the election law seems to carry little stigma, as can be seen in the case of former President Lee, who lost his parliamentary seat due to an election law violation in 1996 but was elected as Seoul's mayor in 2002 and president in 2007.

Italy

Score 4

The financing of parties is to a large extent public. State financing is regulated by a 1993 law (Legge del 10 Dicembre 1993 no. 515, e successive modificazioni recante norme sulla Disciplina delle Campagne Elettorali per l'Elezion e alla Camera dei Deputati e al Senato della Repubblica), and is monitored by an independent judiciary organ – the Court of Accounts (Corte dei Conti) – which checks the accounts provided by parties and can sanction infringements.

Private financing must be declared by candidates and parties, and is controlled by regional judicial bodies. The existing rules about private and public financing of parties and their enforcement are largely inadequate for a fully transparent system. The degree of publicity over private contributions is largely left to the parties and in many cases is very defective. In recent years many cases of individual or institutional abuse or even fraud of public party funding emerged in almost all of the political parties, which led to a near reprisal of the 1990s “Mani pulite” scandal that resulted in the fall of the First Republic. One of the best known “victims” is Umberto Bossi, former Northern League (Lega Nord) leader, who had to resign as a consequence of public money used by his son and other relatives for private use. The Lazio region was hit by party-financing fraud involving the regional People of Freedom

Party (Popolo della Libertà, PdL). In the following regional elections, the PdL was heavily defeated. Substantial cuts in party financing are under way and it is expected that parliament should reform the entire system of party financing to eliminate public contributions.

Netherlands

Score 4

Party finances, until about a decade ago, were not a contested issue in Dutch politics. However, newcomer parties like Pim Fortuyn List (Lijst Pim Fortuyn, LPF), and later the Party for Freedom (Partij voor de Vrijheid, PVV) received egregious financial business support and/or foreign funding, and the Socialist Party (Socialistische Partij, SP) made its parliamentarians financially dependent on party leadership by demanding that salaries were donated in full to the party.

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

This new law eradicates many – but not all – of the earlier loopholes. Political parties are obliged to register gifts starting at €1,000, and at €4,500 they are obliged to publish the name and address of the donor. This rule is contested by the PVV as an infringement of the right to anonymously support a political party. Direct provision of services and facilities to political parties is also regulated. Non-compliance will be better monitored, and an advisory commission on party finances will counsel the minister on politically sensitive issues. The scope of the law does not yet extend to provincial and local political parties that feel disadvantaged. Also, the law’s possible discrimination against newcomer political parties remains an unresolved issue. Nevertheless, if voted into law, the new situation potentially means a significant improvement, depending on its implementation.

Spain

Score 4

Party financing rules are based on Law 8/2007 (reformulated in October 2012), which states that political parties are private associations with a mixed revenue system. They collect funds from the public budget in proportion to their parliamentary representation, but also private money from individuals (including the membership fees which are not very significant) and from

corporations. Legislation includes spending thresholds in electoral campaigns and the contributions made by businesses are, at least in theory, subject to limits and conditions (for example, anonymous donations are forbidden and companies that supply goods or services to the state cannot make them). However, the current legislation has been ineffectual in enforcing these limits, particularly regarding opaque donations received by think tanks and charities associated with parties or the backdoor funding when banks cancel the parties' debts or loans. Furthermore, several scandals of directly illegal financing (such as the Barcenas, Gürtel, Palau, Palma Arena, or Pallerols cases) have also erupted in recent years.

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence since its members are appointed by the parties themselves. On the other, it lacks staff resources and has a five year backlog delaying the publication of audit reports. According to the latest available data, right-wing parties have received much more private financing than leftist ones (between 2003 and 2011, the Popular Party (Partido Popular, PP) received €43 million and the Catalan conservative governing party Convergència and Union or Convergència i Unió €46.5 million just from that region, while the Spanish Socialist Workers Party or Partido Socialista Obrero Español was given €18 million), but now the PP government, forced by a deep social mistrust in the context of the crisis and a corruption scandal that involves a former treasurer of the party, has decided to increase transparency and responsibilities with a draft law currently being considered in the General Courts. Notwithstanding this, Spanish parties' accounts do not require more rules but, rather, guarantees that genuinely dissuasive sanctions will be imposed in the case of infringement.

Turkey

Score 4

Article 60 of Law 2820 requires political party organs at every level to keep a membership register, a decision book, a register for incoming and outgoing documents, an income and expenditure book and an inventory list. According to Article 73 of Law 2820, final accounts of political parties, including party headquarters and affiliated sub-provinces, must be prepared to explain the previous year's revenues and expenditures. Turkish legislation however does not contain any provision concerning the financing of electoral campaigns or of independent candidates running for election.

Additionally, there is no specific recording obligation for contributors, apart from a general requirement, based on the Tax Procedure Code, for individuals to declare expenses (which could include political contributions) to

the tax authorities. Pursuant to Article 69 of the 1982 constitution, Article 74 of Law 2820 stipulates that political party finances shall be audited by the Constitutional Court, to verify whether property acquisitions made by political parties as well as revenue and expenditures are in compliance with the Law. Financial auditing decisions by the Constitutional Court are published in the Official Gazette (Article 153, 1982 constitution).

The court's experts examine the accuracy of information contained in a party's final accounts and the legality of recorded revenues and expenditures on the basis of information at hand and documents provided. Before the court's examination it is necessary that the party accounts must be audited by certified experts. Law 2820 includes several criminal, administrative and civil sanctions that are to be imposed on political parties, party officials, party candidates or other persons (such as political party donors).

Still, election laws do not provide for any sanctions in the area of political financing or election campaign funding. According to the court reports, there have been several criminal issues investigated, mostly due to undue process in party accounts, yet there have been few issues (focusing on the major parties) that address criminal sanctions with regard to party financing. The state provides annual cash aid to political parties that receive at least 7% of valid votes in the most recent general elections (additional Article 1, Law 2820), which makes up for almost 90% of a political party's official income.

Ceilings for donations to political parties by private individuals are revaluated each year (currently at a ceiling of €13,000), yet donations are not properly recorded. More importantly, cash and in kind contributions or expenditures for parties and candidates during elections are not recorded, and constitute the major source of "soft money." Revenue collected and expenditures incurred individually by elected representatives and candidates of political parties for political activities linked to their party, including electoral campaigning, are not included in party accounts. At the time of writing, only the Justice and Development Party (AKP) publishes its accounts online. Party accounts published in the Official Gazette provide general figures and potential infringements only, and not a detailed or comprehensive list of revenue and expenditures.

During the period, there has been some progress toward better transparency of political financing. The law on presidential elections, adopted in January 2012, introduced rules on transparency. The 2011 amendment to the law on the Constitutional Court reinforced the court's auditing capacity with regard to party financing. However, due to remaining legal loopholes, the auditing of political parties remains unsatisfactory, and no legal framework for auditing election campaigns or the financing of individual candidates exists. In addition, there has been no progress in limiting the immunity of parliamentary members and public officials in corruption-related cases.

Citation:

Republic of Turkey Early Parliamentary Elections, 12 June 2011.

OSCE/ODIHR Election Assessment Mission Report, <http://www.osce.org/odihr/84588>.

G RECO, Third Evaluation Round Evaluation Report on Turkey on Transparency of Party Funding (Theme II), [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEva13\(2009\)5_Turkey_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEva13(2009)5_Turkey_Two_EN.pdf).

Cyprus

Score 3

Since 1989, funding for political parties has been annually included by the Council of Ministers in the state budget. Parties and their affiliated organizations can also receive financial or in-kind donations of up to €50,000 from physical persons or legal entities, and can be sponsored for up to €20,000 by legal entities under public or private law. Donations up to €1,000 can be made anonymously. Accounting books must be kept according to international auditing standards and all accounts (i.e., income, expenditure, assets and debts) must be audited annually by the Auditor General. Parties' election-related accounts are also subject to this kind of audit, but no provision exists as to the form or standard to follow. Election-related accounts of political parties and electoral candidates must be submitted to the registrar of political parties, who is the director general of the Interior Ministry. Parliamentary candidates have an electoral expenditure cap of €30,000; moreover, they must avoid activities that constitute corruption. However, the time frame governing these expenses is vague, as are other crucial details and procedures. Noncompliance and corruption are subject to fines and/or imprisonment, according to the offence.

In practice, only a few candidates and parties over the years have fulfilled their full electoral-expenses reporting obligations. Effective enforcement by the competent authorities has been neither sought nor applied. There is no legal requirement to separately disclose full electoral accounts, donations received, or expenditures made both during and after elections. The exact procedure by which accounts are to be filed with Auditor General is not clear; nor are this body's powers. The law does not provide for a deadline for the submission of party income and expenditure reports, and does not provide details on what must be included in those reports. Parties do not have to report on the sources of revenue used to pay for electoral expenses.

Ceilings set for anonymous and other donations, as well as per-candidate expense limits, seem excessively high given Cyprus' small size (550,000 voters). The criteria used in setting the level of annual and electoral-period state subsidies to political parties are not known. Overall, the minimal quantity of reforms in this area (the latest of which came in December 2012) indicates authorities' and political parties' reluctance to establish transparency in the realm of political financing.

Citation:

1. COE - GRECO, Third Evaluation Round, Compliance Report, on Cyprus, published 5 April 2013, available at [http://www.coe.int/t/DGHL/Monitoring/Greco/evaluations/round3/GrecoRC3\(2012\)24_Cyprus_EN.pdf](http://www.coe.int/t/DGHL/Monitoring/Greco/evaluations/round3/GrecoRC3(2012)24_Cyprus_EN.pdf)
2. Law on the Registration and Funding of Political Parties and other relevant matters, L. 175(I)2012, available in Greek at, http://www.cylaw.org/nomoi/arith/20_12_1_175.pdf.
3. OSCE/ODIHR Election Assessment Mission Final Report, Republic of Cyprus, Parliamentary Elections 22 May 2011, Warsaw, 7 September 2011, available at, <http://www.osce.org/odihr/elections/82242>.

Hungary

Score 3

Regulations over party and campaign financing are outdated and incomplete. Limited public funding and weak monitoring have allowed corruption to fester. While the Fidesz government often has promised to reform the system, it has postponed its decisions frequently, possibly with the goal of maintaining uncertainty among opposition forces ahead of the 2014 parliamentary elections. One government proposal envisaged a public subsidy of HUF 5 million for all registered candidates, but did not specify how the money could be spent or how spending would be monitored. This proposal too has been criticized as an attempt to fragment the opposition.

Malta

Score 2

Malta has no party financing laws and no independent monitoring body, as it is up to the individual political party whether it chooses to divulge its annual or campaign accounts. The Labor Party has maintained a tradition of publishing yearly income and expenditure data as well as after an election campaign, yet the sources of individual donations is confidential. The Nationalist Party by contrast does not publish its accounts. Maltese law does set a maximum spending amount for individual candidates, €1,400 for local and general elections and €18,600 for European elections, but there is no process or body to actually investigate an individual candidate's campaign accounts. This essentially negates existing legal sanctions against candidates who may commit a breach of the law, and to date, no candidate has been prosecuted on finance grounds. In 2012, the Maltese government presented a draft bill to the Council of Europe's Group of States against Corruption (GRECO); however, the organization objected to the distinction made in the law between party and non-party members, and described the €10,000 threshold for the publication of donor names as "critically high." A draft law proposed by Franco Debono, a government back-bencher, recommended that donations should be capped at €50,000, and any sum above €7,000 should be reported and publically disclosed. The draft law also recommends that Maltese parliamentary candidates' spending is capped at €10,000, and candidates for European Parliament (MEPs) at €35,000.

Citation:

<http://www.timesofmalta.com/articles/view/20100908/opinion/party-financing-and-democracy.325930>

<http://www.timesofmalta.com/articles/view/20090716/local/maltese-meps-to-vow-they-stuck-to-the-law.265224>

<http://www.timesofmalta.com/articles/view/20130426/local/labour-spent-1-5-million-on-campaign.467214>

Switzerland

Score 1

Switzerland does not finance parties with public money on the federal level. In return there are no constraints applied to party fundraising. There is some financing of parties on the cantonal level in Geneva and Fribourg. A considerable portion of political parties' revenues comes from the subsidies given to party factions in the national parliament or reimbursement of parties for services, which together amounting in some cases to 30% of total party income. Another important source of income is the attendance fee granted to members of parliament, which can be considered as a form of party financing. Parties won constitutional status only in the constitutional revision of 1999, and there is in general a continuing deep-seated aversion to any public financing.

In consequence, there is little to no public scrutiny of party activities, since no public money is at stake.

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

Indicator

Popular Decision-Making

Question

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

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

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

Switzerland

Score 10

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

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

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

- Participation rates in direct-democratic votes are usually very low (typically between 40% and 50%) and socially biased. Well-to-do citizens participate at disproportionately levels.
- Voting is frequently driven by cue-taking, rather than by well-informed individual decision-making. This is not to say that citizens are simply victims of slogans or propaganda; in most cases they distinguish between information of high and low reliability during campaigns.
- The most prominent instrument of Swiss direct democracy, the referendum, serves to impede reform and adaptation. It has a strong status-quo bias. One observer has argued that the referendum has the function of a conservative upper house.
- Direct democracy creates incentives for politicians to arrive at compromises (in order to avoid a direct-democratic decision) in a nontransparent way.
- Particularly in the recent past, direct democracy has created potential conflicts with human rights.
- Direct democracy has been successfully used for populist mobilization, again in the recent past.
- Frequently, popular initiatives approved by the people and the cantons are only partly implemented through parliamentary legislation.

Slovenia

Score 9

Slovenia has a strong tradition of direct democracy. Until a constitutional amendment in May 2013, referenda on all issues could be called by Parliament, the National Council (a body representing major interest groups) as well as by citizens themselves. As a result, many referenda were called, and in a number of cases controversial government initiatives were rejected. In June 2011, for instance, 72% of voters spoke out against an increase in the retirement age from 60 to 65. In March 2012, after some legal haggling, a broad majority of voters rejected an amendment to the Family Code that would have opened the possibility of adoption for same-sex couples. The frequent rejection of major government initiatives raised concerns about political paralysis and sparked a debate about limiting the scope of direct democracy. A May 2013 constitutional amendment, which was adopted by the legislature with an overwhelming majority, kept the relatively low threshold of signatures required for calling a referendum (40,000), but ruled out the calling of referenda by Parliament and by the National Council. Moreover, the set of eligible issues was reduced so as to exclude the public

budget, taxes, human rights and international agreements, the majority requirements for the validity of referenda were tightened and the period for which Parliament is bound to the results of a referendum was reduced.

Latvia

Score 8

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

In 2011, following the president's invocation of the constitutional procedure for dissolution of parliament, his decision was voted upon in a referendum. Under this procedure, the Saeima is duly dissolved if the act receives voters' approval; however, if they do not approve, the Saeima remains, but the president must leave office. In 2011, voters approved the dissolution of parliament, and extraordinary elections were held in October 2011. This constitutional procedure had never before been used.

Three recent attempts have been made to bring a voter-initiated measure to referendum. In 2012, a referendum was held on designating Russian as an official state language alongside Latvian. Voters turned down this initiative in a vote of 24.88% in favor and 74.8% against.

In 2011, a referendum was initiated on the language of instruction in the school system. The referendum initiation procedure requires that 10,000 signatures be gathered in order to qualify for the next stage. In this second stage, the Central Election Commission (CVK) organizes the collection of signatures. If over the course of one month, one-tenth of the electorate signs the petition, a referendum is held. This particular initiative failed to gather the necessary signatures during the second stage.

In 2012, a referendum was initiated on granting automatic citizenship to non-citizens in Latvia. The initial 10,000 signatures were gathered and submitted to the CVK. However, the CVK refused in this case to initiate the second stage of the procedure, arguing that the initiative was unconstitutional. The CVK decision was referred to the Supreme Court, which turned to the Constitutional Court for clarification, asking if the CVK had the right to stop the referendum procedure. As of the time of writing, the Constitutional Court has not yet given an opinion.

In addition to referendums, Latvia's Saeima approved a new political decision-making instrument in 2010 that allows citizens to put items on the parliamentary agenda, but does not afford citizens the right to make binding decisions. Thus, parliamentary procedure now allows for petitions that have gathered 10,000 signatures to move to Saeima for consideration. Nine

proposals have been forwarded to the Saeima under this new instrument. Of these initiatives, two have sparked changes in legislation, on the issues of petitions and transparency of information about offshore companies. A third initiative, dealing with punitive measures for members of parliament who violate their oaths of office, is currently under parliamentary consideration.

Parliament has periodically considered new framework legislation for popular initiatives and referendums at the local government level over the last 10 years, but no new legislation has been adopted on the issue. Currently, new draft legislation is working its way through the parliamentary process.

Citation:

1. Referendum on Russian as an Official State Language, Final results, Available at: <http://www.tn2012.cvk.lv/>, Last assessed: 17.05.2013

2. Collection of Signatures for Amendments to the Constitution of the Republic of Latvia, Report, Available at: <http://web.cvk.lv/pub/public/29952.html>, Last assessed: 17.05.2013

3. About the Voters' Initiated Draft Law "Amendments to the Citizenship Law", Report, Available at: <http://web.cvk.lv/pub/public/30436.html>, Last Assessed: 17.05.2013

4. Social Initiative Platform ManaBalss.lv, List of Signed Initiatives, Available at (in Latvian): <http://manabalss.lv/initiatives/signed/top>, Last assessed: 20.05.2013

Lithuania

Score 8

Lithuanian citizens can propose policies and make binding decisions on issues of importance to them through referendums and petitions. Since the reestablishment of Lithuania's independence in 1990, there have been 11 referendums, although only five of these have been successful (including the 2004 referendum approving Lithuania's membership in the European Union and the 2012 consultative (advisory) referendum on the construction of a new nuclear power plant). To call a referendum, a total of 300,000 signatures by Lithuanian citizens having the right to vote must be collected within three months. For the referendum to be valid, more than one-half of all voters must participate. Citizens also have the right to propose a legislative initiative (by collecting 50,000 signatures within two months) that, if successful, will be addressed by parliament. A right to petition also exists, enabling individuals to address the parliament's Petition Commission.

Slovakia

Score 8

The Slovak Constitution provides far-reaching possibilities for citizens to actively propose and take binding decisions on issues of importance to them through popular initiatives and referenda (Articles 93 – 100). Referenda are obligatory in the case of the country entering or withdrawing from an alliance

with other states (like the European Union). Furthermore, a referendum can be called for in the case of “other important issues of public interest” (Article 93.2); referenda on basic rights and liberties, taxes, levies, and the state budget are forbidden (Article 93.3). There are two ways to call a referendum: by a resolution of the National Council or on the basis of a petition signed by a minimum of 350,000 citizens. The results of referenda are binding, and the constitutional barriers for changing the decisions are high: only a three-fifths majority in the National Council can overrule the decision and can do so only after three years (Article 99.1). Likewise, only after three years have passed can a referendum on the same issue be called for (Article 99.2). Similar provisions exist at local level. In practice, relatively little use has been made of these provisions. From 1994 to 2013, only seven national referenda were initiated, and only one of them was successful – namely the referendum on EU accession. In the period under review, no national referendum took place. The Slovak National Party (Slovenská národná strana, SNS) tried to initiate a referendum on language issues before the 2012 early election, but failed to collect the required number of signatures.

Citation:

Láštic, Erik, 2007: Referendum experience in Slovakia: a long and winding road,” in: Pállinger, Zoltán Tibor/Kaufmann, Bruno/Marxer, Wilfried/Schiller, Theo (eds.), *Direct Democracy in Europe*, Wiesbaden, pp. 189-198.

Italy

Score 7

The right to promote referenda and citizens’ initiatives is enshrined in the constitution at the national level of government and is replicated in most of the regions by regional statutes. Referenda may be authorized also at municipal and provincial levels. Referenda, which can only abrogate existing laws or part of them, have taken place rather frequently at national level. In order to launch a referendum the proponents must collect at least 500,000 citizens’ signatures and the referendum is only valid if there is a turnout of at least 50% of the citizens with the right to vote. Between 1974 and 2011 66 referenda took place. There are some limited restrictions to the issues that can be submitted to a referendum. In some cases, however, their effects have been swiftly overturned by parliamentary laws which pay formal respect to the referendum results but have, in practice, reestablished some of the rules that had been abrogated in new forms.

Citizens can also promote legislative initiatives and in some regions instruments of deliberative democracy (citizens’ juries, deliberative polling) are available, but these instruments do not have legally binding effects.

Referenda have had a deep impact on some political decisions at national level, such as bringing to an end civil use of nuclear energy after the

Chernobyl disaster, but at local and regional level effective popular decision-making is seldom applied. Several big infrastructure projects like the Val di Susa high speed railway and the Strait of Messina bridge project were not only contested but also resulted in riots and civil disobedience. Italian politics are either unconcerned with building consensus with their citizens on big projects, or make too slow an effort.

Poland

Score 7

Polish law provides for various forms of direct democracy. On the local and regional level, a referendum is called when it is supported by 10% of the electorate. On the national level, referendums can be called only by the lower house of parliament, the Sejm, or the president. However, popular initiatives are also possible. A total of 100,000 voters can collectively submit a draft bill, upon which the Sejm has to decide. In every parliamentary term, there are about 60 to 80 referendums, most of them at the local level. The bulk of referendums often fail as they do not meet the 30% voter turnout requirement. In March 2013, the government gave in to pressure from the parliamentary opposition and announced that it would call a referendum before the introduction of the euro. The future of direct democracy in Poland however is highly controversial, and some political actors have demanded more direct participation. In March 2013, for example, the Platform of the Outraged (Platforma Oburzonych), an association of some 100 organizations established by the trade union NSZZ Solidarnosc, asked for more direct democracy and for reducing voter turnout requirements. In contrast, President Komorowski and others have argued in favor of raising the turnout requirements for local referendums.

Sweden

Score 7

Citizen initiatives for national referendums are rare but they do happen. Such initiatives occurred on several occasions during the period of review, though no national referendum took place. There were, however, several forms of popular decision-making at regional and local levels.

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

Citation:

For an overview over local referenda cf. http://www.val.se/det_svenska_valsystemet/folkomrostningar/kommunala/index.html, 25.06.2013

United States

Score 7

Popular decision making in the United States is weak at the federal level, but rather strong at the state and local level. The federal government does not have any provision for citizen initiatives or referendums. Citizens cannot, therefore, make binding policy decisions, or even advisory decisions through formal mechanisms at the federal level. Yet, 24 state governments (especially in the western United States), and many local ones, provide rules for some forms of direct democracy. Ballot measures provide citizens the opportunity to discuss and vote on policy issues at the local level and state level. There are three basic types of ballot measures: initiatives, referendums and recalls. A ballot initiative is a proposal to change or create a law at the local or state level. Instead of relying on the legislature to make all of the laws, citizens can use the ballot initiative process to implement laws on their own. A referendum places a law that has already been passed by the legislature to a popular vote. Similar to a ballot initiative, it is a citizen led effort and a predetermined number of signatures is required to get the measure on the ballot. A recall is a process in which voter can remove an elected official from office before his or her term expires. Similar to other measures, a specified number or percentage of signatures is required for a recall election.

Since 2011, there have been some successful and unsuccessful recalls of mayors, state senators and governors in various cities and states. In the 2012 elections, Maine, Maryland and Washington approved same-sex marriage by popular vote. In Minnesota, a proposed constitutional amendment to ban same-sex marriage was defeated, the first time such an amendment has not passed, although Minnesota still maintains statutes that prohibit recognition of same-sex marriage. A measure in Massachusetts resulted in that state becoming the 18th U.S. state to allow medical cannabis. Voters in the states of Colorado and Washington chose by ballot measure to legalize cannabis outright, the first states to do so, whereas voters in Oregon chose to reject it.

While there are no ballot initiatives or referendums at the federal level, the Obama administration in 2011 opened a new website called “We the people,” giving people the chance to articulate petitions online. The White House originally required petitioners to gather 5,000 signatures within 30 days, after which time policy officials in the administration would review the petition and issue an official response. However, as of October 3, 2011, petitioners must gather 25,000 signatures in 30 days in order to get reviewed by administration officials.

Bulgaria

Score 6

There are several forms of direct democracy in Bulgaria, both at local and national level. However, a number of provisions limit citizens' opportunities. Firstly, the set of eligible issues is limited. Municipal or national referenda are not allowed to deal with budget issues. At national level, the structure of the Council of Ministers, and the personnel of the Council of Ministers, Supreme Judicial Council, and Constitutional Court cannot be decided through referenda. Secondly, the National Assembly is not obliged to call a referendum, even if a committee formed by voters has gathered more than 200,000 but less than 500,000 signatures. Thirdly, parliaments can, within certain limits set by the law, edit the questions posed. Finally, the outcome of referenda is only binding if voter turnout is higher than in the last general election. Given these obstacles, referenda have been rare. In the period under review, only three referenda have taken place, two of them at local and one at national level. One of the local referenda was about incorporation into a different municipality, the other about a pipeline project. The national referendum, which took place in January 2013, was on the use of nuclear energy. While both local referenda were successful, the national referendum failed to bring about a change in government policy due to low voter turnout.

Canada

Score 6

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

Citation:

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

Germany

Score 6

In Germany, referenda are of importance at the municipal and state levels. At the federal level, referenda are exclusively reserved for constitutional (Basic

Law, Art. 146) and territorial issues. On the municipal and state levels, voter initiatives have been used in growing number since German unification, with their increasing frequency of use bolstered by legal changes and increasing voter awareness.

By the close of 2011, almost 6,000 direct-democratic procedures had been recorded in German municipalities. About 300 per year take place overall; these are held disproportionately in the south, with Bavaria leading by far. On the individual state level, the number of procedures fluctuates between 10 and 20 per year. At the end of 2011, 33 procedures were planned across a total of nine of the country's sixteen states (all data: Mehr Demokratie Volksbegehrensbericht, 2012).

In some states (e.g., Baden-Wuerttemberg, North Rhine-Westphalia, Rhineland-Palatinate), the government or parliament can under certain conditions call a referendum with the power to confirm or overturn a decision by the legislature. This opportunity was first employed in Baden-Wuerttemberg in the conflict over Stuttgart's new underground railway station. After more than 15 years of formal planning and approval procedures, as well as formal approval by Baden-Wuerttemberg's legislature, reconstruction of Stuttgart's main station started in February 2010. However, massive demonstrations and broad popular resistance soon brought this to a halt. The conflict resulted in an out-of-court dispute resolution in October and November 2010. The arbitrator's decision favored the continuation of the project with some additional construction requirements, which proved to be costly concessions to the opponents of the project. A referendum on the issue on 27 November 2011 provided popular legitimacy to the project, confirming the decision previously made by Baden-Wuerttemberg's parliament.

Hungary

Score 6

In Hungary, citizens can initiate referendums; there have been previously successful initiatives for referendums at the national and local level. However, the new 2011 constitution has limited the scope for popular decision-making by abolishing the possibility of popular initiatives, by expanding the set of issues exempt from referendums and by raising the thresholds for the success of a referendum. Unlike in the past, for a referendum to be successful, at least 50% of voters were required to participate. In the period under review, the opposition tried to initiate several national referendums, but all initiatives were refused by the government-controlled National Electoral Commission (OVB), which enjoys a high level of discretion in deciding whether issues are eligible for a referendum. For instance, the OVB has refused two initiatives of the Hungarian Socialist Party

(MSZP) President Attila Mesterházy against the retrospective legislation and the building of a high-cost soccer stadium in Felcsút (OVb decisions 139/2011 and 93/2012) and two initiatives of Democratic Coalition (DK) Vice-President Tamás Bauer against the merger of the Hungarian central bank and the State Authority for the Supervision of Financial Institutions (PSZÁF) (OVb decisions 16/2012 and 17/2012).

Citation:

Kocsó, Zsannett 2013: Direct Democracy in Hungary - Still a Powerful Instrument?

(<http://www.democracy-international.org/direct-democracy-hungary-still-powerful-instrument-0>)

Australia

Score 5

Citizens do not have the legal right to propose and take binding decisions on matters of importance to them at any level of government. Since the establishment of the Federation in 1901, citizens have voted on specific issues 44 times, with eight of those succeeding, but they cannot initiate the process. Nevertheless, some of these referenda have covered important issues, such as the 1967 referendum on the status of indigenous people in Australian society. However, no referendum has succeeded since 1977. National referenda are mandatory in case of parliament-proposed changes to the constitution. Constitutional amendments have to be approved in a referendum and the result is binding. At the time of writing this report, the Citizen Initiated Referendum Bill, which would enable the citizens of Australia to initiate legislation for the holding of a referendum to alter the constitution, had been presented and read for the first time in the Senate. In addition, states and territories also may hold referenda on issues other than constitutional amendments.

Citation:

<http://www.aph.gov.au/~media/05%20>

About%20Parliament/54%20Parliamentary

ry%20Depts/544%20Parliamentary%20Library/Handbook/43rd_PH_Part5.ashx

Williams, George/Hume, David, 2012, People Power: The History and Future of the Referendum in Australia

Citizen Initiated Referendum Bill 2013, No.

, 2013 (Senator Madigan), A Bill for an Act to enable the citizens of Australia to initiate legislation for the holding of a referendum in relation to altering the Constitution, and for related purposes, <http://www.restoreaustralia.org.au/petition-ups/CIR%20Bill.pdf>

Australian Election Commission, Referendum dates and results, http://www.aec.gov.au/Elections/referendums/Referendum_Dates_and_Results.htm

Austria

Score 5

Plebiscites (referendums) are obligatory and binding when the matter concerns constitutional issues. This has been the case only once, in 1994, when Austria had to ratify the treaty of accession to the European Union.

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

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

Reformers have argued that the use of plebiscites should be expanded, possibly by allowing citizen initiatives with very strong support (e.g., backed at least by 300,000 voters) to go to the ballot in the form of a referendum in cases of parliament's refusal to make the proposal law.

Czech Republic

Score 5

In the period under study, no referenda took place on national issues. There is no general law on referenda at national level in the Czech Republic. These have been proposed and debated more than 12 times in the Parliament, but none has been approved. However, laws do exist making referenda at municipal and regional levels possible. These can be required if demanded by signatures from a set percentage of the electorate. This varies with the population of the community, with, for example, 6% required in a community of 200,000. Following changes to the law in 2008, the result is binding if 35% of the electorate participate and if there is both a majority in favor and a vote in favor equivalent to 25% of the electorate. A high turnout is possible especially if referenda coincide with national elections. Six took place on the same days as the presidential elections, the largest in the town of Plzeň where 35,500 voted against a major commercial development that had been approved by the municipal authority, comfortably outvoting those in favor and passing the 25% barrier. That authority had refused to carry out the referendum, which was conducted under the authority of a court, and has tried to avoid implementing the decision by challenging the legal validity of

the outcome. When citizens can collect the number of signatures required to enforce a referendum the outcome generally seems to go against the plans of the municipal authorities.

Finland

Score 5

In 1987, the government incorporated referendums in the Finnish constitution. The stipulation, laid down in the Law of Procedures in Advisory Referendums, was that advisory referendums may be called by parliament by means of special laws that prescribe the date of voting and establish alternatives to be presented to the voters. There are no stipulations on quorum in terms of participation, or on the majority required for the vote. Since then, only one national referendum in 1994 took place, dealing with Finland's entry to the European Union. While this device is no direct democracy tool and opens no channels for direct citizen participation, a constitutional amendment in 2012 introduced a system of popular initiative, which requires 50,000 signatures for the initiative to be submitted to parliament. Parliament is then obliged to discuss the initiative and to consider its approval. However, citizens do not have the opportunity to vote on initiative issues, as the right of decision and agenda-setting still remains with parliament.

At the time of writing, the first initiative – the prohibition of fur farming – was submitted to parliament and to parliament's Agriculture and Forestry Committee to hear expert testimony. It is probable that the committee will not back the initiative. A second initiative on gender-neutral legislation that was first blocked at the committee level has been returned to parliament through a citizen's initiative. The Finnish system allows for citizen-initiated municipal referendums; however, the arrangement of such referendums, which are advisory only, is decided by the municipal authorities.

Citation:

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

Iceland

Score 5

According to Article 26 of the 1944 Icelandic constitution: "If the Althing has passed a bill, it shall be submitted to the president of the republic for confirmation not later than two weeks after it has been passed. Such confirmation gives it the force of law. If the president rejects a bill, it shall nevertheless become valid but shall, as soon as circumstances permit, be submitted to a vote by secret ballot of all those eligible to vote, for approval

or rejection. The law shall become void if rejected, but otherwise retains its force.” In the 69-year history of the Republic of Iceland, this paragraph has twice led to a nationwide referendum.

The first time was in March 2010 after President Ólafur Ragnar Grímsson rejected the so-called Icesave bill. This bill set the terms of a proposed state guarantee of the obligations of the Depositors’ and Investors’ Guarantee Fund (Tryggingarsjóður innstæðueigenda og fjárfesta); specifically, it authorized taking out a €3.8 billion loan (€11,964 per Icelandic citizen) from the governments of the United Kingdom and the Netherlands to cover deposit-insurance obligations for citizens of those countries that had held accounts with a failed Icelandic bank. In the referendum, the bill was rejected by 98.1% of the voters, with just 1.9% in favor. However, even by the time of the referendum, the deal on the ballot was no longer under consideration. Indeed, the government ministers behind the deal did not even bother to show up to vote.

The second referendum was held after President Grímsson refused to sign the so-called third Icesave bill into law in February 2011. This time, the Althing had approved an act (No. 1/2010) authorizing the minister of finance, on behalf of the State Treasury, to issue a state guarantee covering deposit insurance related to the failure the Icelandic bank with account-holders in the UK and the Netherlands. In April 2011, another referendum was held, in which 59.7% of Icelandic voters rejected the deal and 40.1% voted in favor.

In accordance with the Act on a Constitutional Assembly (No. 90/2010), an advisory Constitutional Council was appointed to revise Iceland’s constitution, composed of 25 delegates elected in a nationwide constitutional-assembly election in the autumn of 2010. The Constitutional Council was given four months to draft a constitutional bill. The bill was unanimously approved by all 25 delegates in late July 2011 and delivered for processing to the Althing, where it was debated for nearly two years. By the end of the 2009 – 2013 mandate period, it was clear that the parliament had failed to pass the bill, a remarkable outcome in view of the fact that in October 2012, the constitutional bill was put to a national referendum and supported by 67% of voters. Furthermore, a majority of legislators, 32 members out of 63, had publicly and in writing declared their support for the bill. However, the president of the Althing, in violation of parliamentary procedure, failed to bring the bill to a vote for fear of filibuster by the opposition, a tactic that the opposition Independence and Progressive parties had successfully and repeatedly used to thwart the will of the majority in parliament.

A Law on Local Government Affairs was passed by the Althing in September 2011. This law contains a new chapter called Consultancy with Citizens (Samráð við íbúa), which includes paragraphs on local referenda and citizen

initiatives. Under its terms, if at least 20% of the population eligible to vote in a municipality demand a referendum, the local authorities have to organize such a vote within a year. However, local councils can decide to increase this threshold to 33% of eligible voters. Thus, at least on the local level, steps have been taken to improve the opportunity for citizen impact between elections. The proposed constitutional bill contained a similar provision that would have allowed voters to demand a national referendum on most bills passed by the Althing; however, with the document's failure, this power is not yet in place.

In July 2013, the president was given a petition signed by 15% of the country's voters asking him not to ratify a new law lowering the fishing fees levied on boat owners. However, the president signed the law. Had the new constitution been in effect, the law would most likely have been referred to a national referendum, where in all probability it would have been rejected.

Citation:

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

<http://thjodaratkvaedi.is/2010>

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

Sveitar stjórnarlög nr. 138 28. september 2011

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

Ireland

Score 5

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

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

In November 2012, a new political party – Direct Democracy Ireland – was registered. The party wants to replace representative democracy with participatory democracy in Ireland and to allow citizens to petition for a referendum on any issue by collecting a certain number of signatures. It

plans to run candidates in the 2014 local and European elections.

The financial and economic crisis also stimulated an unprecedented level of debate concerning the need to reform Ireland's political institutions. In their 2011 general election manifestos, all the parties promised an agenda of reform that would include active engagement of the citizens, with one party (Fine Gael) suggesting setting up a citizens' assembly to review the reforms that might be needed. Following the election, the Programme for Government (the joint manifesto of the Fine Gael and Labour Party coalition government) included a commitment to establish a constitutional convention, but the details were left vague.

The parliament founded a Convention on the Constitution, a forum of 100 people, 66 of whom are ordinary citizens selected by stratified random sampling (quotas for region, gender, age, socioeconomic status). Thirty-three are politicians from the Irish parliament, and a chairman is appointed by the government. In 2012, the convention presented recommendations to parliament to amend the constitution, including a timeframe for a referendum.

Citation:

The Department of the Environment, Community and Local Government, The Referendum in Ireland, July 2012, available at <http://www.environ.ie/en/LocalGovernment/Voting/PublicationsDocuments/FileDownload,1893,en.pdf>

New Zealand

Score 5

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

CIRs were first introduced in 1993, the year the government held its own binding referendum on the reform of the electoral system. While a total of 33 CIR petitions have been launched to date, only four have come to a vote, with other proposals either failing to meet the signature target (10% of registered voters within 12 months) or having lapsed.

All four referenda passed, but were subsequently rejected by the government in office at the time.

Whereas CIR supporters contend that the "will of the majority" is being ignored, a general consensus exists among leaders of the major political parties that the non-binding provision in CIRs should be retained. Most CIRs are initiated by individuals or small groups. In marked contrast, a petition on

the political agenda against the further privatization of state assets has been sponsored by the Green, Labour and New Zealand First parties. While the petition exceeded the required number of signatures, it was overtaken by events, with the sale of shares in the first of the designated state assets taking place before the date of the referendum had been determined. This last referendum was criticized by those who believe the government can legitimately claim a mandate to proceed with the sale of state-owned assets, not only on the grounds of its parliamentary majority, but also because it campaigned on the issue in the months leading up to the 2011 election.

Citation:

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

<http://www.justice.govt.nz/publications/publications-archived/2001/the-citizen-initiated-referenda-act-1993/publication> (accessed May 10, 2013).

South Korea

Score 5

Citizen referenda can be conducted at local and regional level and require support from 5–20% of voters and a turnout of 33%. Results are not legally binding. So far there have been five referenda. At national level, only the president can call a referendum (Article 72 of the Constitution). Since 2006, there have been binding recall votes at local level. However, the rate of success is very low.

Citation:

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

Croatia

Score 4

While the law provides for some forms of popular decision-making, there is no strong tradition of organizing and holding referenda in Croatia. The Croatian parliament or Sabor can call a national referendum if it is proposed by at least 10% of the electorate. In the past, the Sabor refused to do so even in cases of high-profile initiatives by war veterans (2000) and trade unions (2010). In the period under review, no national referendum was initiated or held. Local referenda are also rare; only a few have ever taken place. A referendum on the construction of a golf course and an associated tourist-resort project on the hill above Dubrovnik in April 2013 attracted huge political attention. Although a large majority of voters spoke out against the tourist-resort project, the referendum failed because a lack of voter turnout. For a local referendum to be valid, at least 50% of the electorate must participate.

Denmark

Score 4

Section 42 of the Danish Constitutional Act deals with the use of referendums. It foresees the possibility of one-third of the members of the Folketing requesting that an adopted bill be sent to a referendum. A majority of those voting, representing not less than 30% of the electorate, can reject the bill. There are some bills that are exempt from referendums, including finance bills, appropriation bills, civil servants bills, salaries and pensions, naturalization, expropriation and taxation bills.

Section 20 of the constitution allows for the delegation of powers to international authorities. Such transfer can be based on a bill adopted by the Parliament if there is a five-sixth majority in the Parliament. If there is an ordinary majority in the Parliament, but less than five-sixth, the bill has to be submitted to the electorate. For rejection there must then be a majority of those voting, representing at least 30% of the electorate, that is, the section 42 rule.

According to section 29 of the constitution, the change of the age qualification for suffrage also requires a referendum based on the section 42 rule. There have been five referendums about the voting age since the current constitution was adopted in 1953, the latest in 1978, when the current voting age of 18 was adopted.

Finally, according to section 88 of the constitution, a change in the constitution itself requires confirmation by a referendum. First, such an amendment must be passed by two parliaments with an election in between. Then it must be confirmed by a majority of the voters representing at least 40% of the electorate. This very stringent procedure makes it difficult to change the constitution.

The use of referendums in Denmark is mostly for EU-related decisions. Referendums were used for membership in the European Communities in 1972, and subsequently for many treaty reforms: the Single European Act, the Maastricht Treaty (which required two referendums to be adopted) and the Amsterdam Treaty. There was also a referendum in 2000 about Denmark joining the euro, which the government lost. In the cases of the Treaty of Nice and the Lisbon Treaty, it was determined that there was no transfer of sovereignty, so those two treaties were ratified by a parliamentary vote only. There is an ongoing debate on the Danish EU-exemptions and whether they should be put to a referendum in the near future. The use of EU treaty referendums is controversial. Many ask if the voters really know what they vote for, or if it becomes a vote for or against the government or the current state of the national economy.

There are no provisions in the Danish constitution for popular initiatives. Denmark is first of all a representative democracy.

Neither are there are provisions in the constitution about regional or communal referendums. Such votes can only be consultative. Greenland used a consultative referendum to confirm the decision to leave the European Communities in 1982.

Citation:

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

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

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

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

France

Score 4

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

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

Local referenda can be organized in the case of a merger of communes or for local issues at a mayor's initiative. Very few have taken place, however, and the outcomes have been disappointing, as abstention is usually high and the results are often contrary to expectations (e.g., a proposal to merge two Corsican departments or in April 2013, two failed Alsatian referenda). The experience of referenda in France is perceived by the public as not really

democratic and an instrument of manipulation by those in charge. The temptation thus is to vote “no,” regardless of the question.

Luxembourg

Score 4

Direct democracy in the form of referenda is not a prominent characteristics of the Luxembourg political system. A member of parliament (MP) represents on average 10,000 citizens; the government and administration pride themselves on being uncomplicated and offering simple access for citizens; and the country’s territorial breakdown has resulted in small units (there are about 100 communes/municipalities) which all claim to be in direct contact with citizens. On the other hand, Luxembourg is also awash in citizens’ initiatives, an informal way to impose views on the political establishment, especially regarding environmental issues. The constitution since 1919 allows the possibility of referenda (Article 51, Paragraph 7). A modification to the constitutional article introduced the possibility to use a referendum for the purpose of revising the constitution (Article 114).

A 2005 law outlined the steps for a referendum held at the national level. A procedure can be initiated either by a parliamentary act or by popular initiative. In this case, 25,000 Luxembourg citizens must ask for a referendum to be held. As Luxembourg is a small country, this threshold is significant, which may explain why since 1919 only four referenda have taken place. All were the result of a parliamentary or governmental initiative, including the most recent one in 2005 that sought the approval of the EU constitutional treaty.

The Local Government Act of 1988 (Article 35) addresses the issue of referendum at the municipal level. One-fifth of registered electors have to ask for a referendum; yet importantly, a local referendum is not binding. Its use as mostly a consultative tool could explain why it is not used more frequently.

Citation:

Loi du 4 février 2005 concernant le referendum au niveau national.

Loi du 13 décembre 1988 concernant les communes.

Mexico

Score 4

The degree to which citizens have the effective opportunity to propose and take binding decisions on issues of importance to them varies across Mexico. The Federal District, which encompasses Mexico City, is much more election-driven than some of the rural states, for example. Citizens are much more likely to influence public policy through non-constitutional forms of

action such as demonstrations or, paradoxically, through the formal legal process than through social movement types of politics. On the other hand, experiments in participatory budgeting are taking place in some parts of Mexico City. At the same time, there are parts of rural Mexico in which all effective decision-making power is in the hands of a few caciques. Regarding intra-party decision-making, major parties in Mexico increasingly use direct elections to choose candidates for public office and as party leaders. See “intra-party democracy.”.

Romania

Score 4

According to the Romanian Constitution, national referendums are required automatically for the revision of the constitution (as happened in 1991 and 2003) and following the impeachment of the president (as happened in 2007 and 2012). In addition, the president can (after consultation with Parliament) call for referenda on matters of national interest, as in the case of the electoral system referendum of 2007 and the referendum on parliamentary reform in 2009. For referendum results to be legally binding, turnout needs to be above a threshold, which was lowered from 50% to 30% by a law passed by Parliament in May 2013. Both the 2007 and the 2012 impeachment referendums were invalidated because they failed to reach the required turnout. However, even the 2009 referendum – in which turnout exceeded 50% and voters overwhelmingly approved the switch to a unicameral Parliament and the reduction of the number of members of parliaments to 300 – was not implemented subsequently. Citizens can initiate referenda at the county level but such initiatives are very rare and are subject to approval by the County Council. In December 2012 citizens in half the district of Alba County were asked to vote on the continuation of the mining project in Rosia Montana, and while 62% voted in favor, the referendum was invalidated because turnout fell short of the 50% threshold.

Spain

Score 4

Apart from representative elections every four or five years, two other fundamental ways exist to allow Spanish citizens to express directly their political opinions on key issues. The first way refers to the “*iniciativa legislativa popular*” (or popular legislative initiative) although the right to promote the submission of non-governmental bills is limited as a result of the very high minimum number of authenticated signatories that are required and other political or legal obstacles like the fact that initiatives are not allowed on matters concerning fundamental rights, institutional structure of the state, taxation, international affairs or the prerogative of pardon. Historically, even if

the 500,000 signature threshold has been reached, those initiatives have been dismissed by the Board of the Congress of Deputies. However, a very recent exception of an initiative that has been admitted (although strongly amended afterwards) can be mentioned: almost 1.5 million Spanish citizens endorsed in February 2013 an initiative asking for a reform in the legal regulation of mortgages and claiming the “datio in solutum” to solve the pending debt and personal liabilities on unpaid mortgages by giving the property to the bank in satisfaction of the debt.

The second way refers to the option of submitting political decisions of special importance to all citizens in a consultative (i.e., non-binding) referendum. Spaniards have only been asked to vote in three national referenda since democratization: to ratify the Spanish Constitution in 1978, to decide on Spanish NATO membership in 1986 and to ratify the failed EU Constitutional Treaty in 2005. In addition to this, some referenda to approve or reform the Statutes of Autonomy have taken place in those regions with more devolved powers. At the local level, referenda are held more often but they are not very common. Since September 2011, a very lively debate has been unfurling in Catalonia on the legal right to hold an independence referendum in 2014. According to the Constitution, this referendum can be called only on the president of the government’s proposal after previous authorization by the Congress of Deputies and it is unfeasible, considering the strong opposition of national parties to allow a consultation that may facilitate the secession of a region.

Citation:

Source: (results of the national referenda):

www.elecciones.mir.es/MIR/jsp/resultados/comunes/listadoElecciones.jsp?tipoEleccion=7&nombreEleccion=Refer%E9ndum

Belgium

Score 3

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

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

More focused public consultations however are organized on a regular basis for city planning decisions, building permits and similar issues. Again, popular reactions are not binding, but are an important component of

decision-making. The complex institutional architecture of Belgium also means that approval is sometimes needed at the local, regional, and federal levels for a project to proceed. This gives rise to lots of NIMBY (not in my backyard) lobbying, which for instance has been delaying for decades the creation of a train network around Brussels.

Chile

Score 3

The Chilean constitution is one of the most restrictive on the topic of direct democracy – understood as citizens’ initiatives – in present day Latin America. The last nationwide plebiscite was initiated by the government in 1989, albeit during a military dictatorship and in the midst of the agreement process on the transition to democracy. At the moment, Chile does not contemplate nationwide citizen initiatives, although they are demanded by groups and movements in civil society. At municipal level however, the Organic Constitutional Law of Municipalities (2002) included popular consultations – plebiscites – whether by the initiative of either the mayor (with the agreement of the council), the council itself (by two-thirds) or a minimum of 10% of the citizens. Thus the opportunity to initiate – for example – a referendum at municipal level officially exists, but these referenda are not necessarily legally binding and authorities may ignore them.

Malta

Score 3

The constitution of Malta allows for three types of referenda: constitutional, consultative and abrogative. None of these types however fulfill the criteria for popular decision-making.

Netherlands

Score value_6

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

At municipal level many experimental referendum ordinances have been approved since the 1990s, but the national government prohibited several ordinances giving citizens too much binding influence on either the political agenda or the outcome of political decision-making.

At national level, the issue has been on the political agenda since the 1980s. Under pressure from new populist political parties, the Dutch government

organized a consultative referendum on the new European Constitution in 2005, using an ad hoc temporary law. With turnout at 63.3%, this constitution was rejected by a clear majority of 61.5%, sending shockwaves through all the EU member states and institutions.

In 2012 a bill for an advisory referendum on laws and treaties was adopted by the States General (and is now on the Senate's agenda). Once a law has been adopted by parliament, signed by ministers and the monarch, a non-binding referendum should be requested if 10,000 citizens call for one within a time limit of four weeks. After the States General have adopted a law and ministers (and the monarch) have signed it, within four weeks 10,000 citizens may request a referendum. After this initial phase, another 300,000 citizens should have to support the initial request within six weeks. Binding referendums are a step too far as they require a formal amendment to the Dutch constitution, first by a normal majority in both chambers, and next after elections by a two-third majority in both chambers.

Citation:

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

Referendum Platform, Dossier Raadgevend Referendum, www.referendum/platform.nl/index.php?action=printpage&item=1411, consulted 27 March 2013.

Additional reference:

R.B. Andeweg and G.A. Irwin (2009). *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

Cyprus

Score 2

The constitution makes no provision for referenda, and does not grant citizens the right to make binding decisions. Law 206/1989 provides that the Council of Ministers can initiate such a procedure, and ask the House of Representatives to decide on whether a referendum should be held. Referenda thus must be initiated by a formal political institution, not by citizens. The authority responsible for organizing any such vote is the Ministry of Interior. A referendum on accepting or rejecting the United Nations' plan for settling the Cyprus problem took place in April 2004. Beforehand, a special law (L.74(I)/2004) was passed in April 2004 giving members of the Greek Cypriot community eligibility to vote. In this case, the outcome of the referendum was binding. Referenda are also held in cases when a community seeks to become a municipality.

Citation:

1. Law on organizing referenda, L. 206/1989, available in Greek at, http://www.cylaw.org/nomoi/enop/non-ind/1989_1_206/full.html.

2. Law on holding a referendum for the Greek Cypriot Community, on 24 April 2004, L. 74(I)/2004, available in Greek at http://www.cylaw.org/nomoi/enop/non-ind/2004_1_74/index.html.

Estonia

Score 2

According to the Estonian constitution, referendums can be initiated by the national parliament (Riigikogu); there is no opportunity for citizens to initiate a referendum.

There is strong popular support to introduce a referendum with binding results as citizens' initiatives. The People's Assembly, an online platform for crowd-sourcing ideas and proposals to amend legal acts related to the development of democracy in Estonia, organized a public debate on this topic in the spring of 2013. However, results from the process had not been released as of the end of the review period.

Greece

Score 2

The constitution provides for the possibility of holding a referendum, but such a decision must be taken by the parliament, after a proposal submitted by the Cabinet of Ministers. Referenda are limited to national level. Since the transition to democracy in 1974, only one referendum has taken place in Greece, namely the December 1974 referendum that resulted in the abolition of the monarchy.

In 2011 – 2013 the idea of holding a referendum was discredited because in October 2011 Prime Minister Papandreou surprised everyone, including Greece's EU partners, by announcing that his government would hold a national referendum on the economic austerity measures associated with the bailout. Papandreou's initiative provoked fears of Greece's exit from the eurozone, if Greeks voted against the bailout. This prospect created worldwide insecurity about the fate of the euro and Papandreou was obliged to completely abandon the idea.

Citation:

The conduct of referenda in Greece is regulated by article 44 of the Constitution and Law 4023/2011.

Israel

Score 2

Israel's government and parliament have traditionally given little support to popular decision-making mechanisms. When attempts are made to encourage this area, they tend to take the form either of 1) open-information projects or websites, or 2) special legal provisions allowing citizens to make appeals on issues such as urban planning, or which allow them to address parliament committees on issues of direct concern. While important, these

types of initiatives support a top-down model of civic participation rather than encouraging independent initiative.

However, the large-scale protests during the summer of 2011 served to repoliticize the civic sphere. Thus, some new initiatives have aimed at strengthening citizens' role in the decision-making process. Among these, efforts have been made to improve online access to records of regulatory, statutory and political rule-making, and legal mechanisms designed to give citizens a stronger voice in political decision-making processes have been developed. However, these initiatives remained largely in the early stages as of the close of the review period. Consequently, there were few if any ways by which Israeli citizens could directly participate in the decision-making process, at least without resorting to media pressure, persuasion via lobbying firms or making an appeal to the courts.

A bit more flexibility is evident on the municipal level. In cities including Jerusalem, for example, a local community-administration structure (Minhal Kehilat) has existed since the 1980s, which enables local residents to take part freely and voluntarily in political decision-making that affects their neighborhoods. These programs were created in an effort to develop local leadership and enhance citizens' political efficacy. However, observers question whether the project has made a real contribution in this regard.

Citation:

"future recommendations," sharing: committee for social and economical transformation website. (Hebrew)

Sharing on governmental issues, Israeli government website (Hebrew)

Altshuler-Shwartz, Tehila, "Open government policy in Israel in the digital age," Israel democracy institute, 2012. (Hebrew)

Gefen, Haaron, "The effect of institutionalizing participatory democracy on the level of sharing by public organization employees," Israel Democracy Institute, 2011 (Hebrew)

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Japan

Score 2

Politically binding popular decision-making does not exist in Japan, at least in a strict sense. At the local and prefectural levels, referenda are regulated by the Local Autonomy Law, and can be called by the demands of 2% of the voting population. However, the local or prefectural assembly can refuse such a request for a referendum, and if the referendum does take place, the local or prefectural government is not bound by it.

At the national level, a so-called National Referendum Law took effect in 2010. This was initiated by the LDP-led government with the aim of establishing a process for amending the constitution. According to the new law, any constitutional change has to be initiated by a significant number of parliamentarians (100 lower-house members or 50 upper-house members)

and has to be approved by a two-thirds vote in both chambers. Only afterward will voters be given the chance to vote on the proposal.

Despite this legal environment, nonbinding referenda have played an increasingly important role in Japan's political life in recent years, particularly with respect to the debate over nuclear energy.

Citation:

Gabriele Vogt, *Alle Macht dem Volk? Das direktdemokratische Instrument als Chance für das politische System Japans*, in: *Japanstudien 13* (now: *Contemporary Japan*), Munich: Iudicium 2001, pp. 319-342

Norway

Score 2

Government decision-making is inclusive in that organized interests have access to and are incorporated in regular processes of planning and implementation. The system makes no provision for direct citizen participation in the form of legally binding public votes or citizen referendum initiatives. Referendums have been used, but only in exceptional issues (the last time in the vote on European Union membership in 1994), and even then are constitutionally only consultative (though in practice are treated as binding).

Portugal

Score 2

The institution of referenda exists at national and local levels. However, while citizens can propose referenda – with 75,000 signatures required to subscribe a petition for a referendum – the referendum itself only takes place if there is agreement from political officeholders. In the case of national-level referenda, the Assembly of the Republic or the government must propose the referendum to the president, and the president accept this proposal. Citizens can propose local referenda, but the Municipal Assembly can decide whether to call these referenda or not.

In practice, referenda are rare in Portugal. There have been only three national referenda in Portugal, the most recent in 2007. Local referenda are also rare, with five having taken place. There were two local referenda in the period under analysis (May 2011 – May 2013): one in the municipality of Cartaxo, on 18 December 2011 and the other in the administrative parish of Milheirós de Poiares, on 16 September 2012. Participation was very low in both. In the latter, 1,773 voters participated (54% of the electorate); in the former, 2,629 voters took part – a mere 12.6% of the total of electorate.

Turkey

Score 2

According to Article 67 of the constitution, all citizens over 18 years old shall have the right to take part in referendums. Referendums are held in accordance with the principles of free, equal, secret and direct universal suffrage, with the public counting of votes. In recent years, referendums were held in the context of amending the constitution, which came into force in 1982. Paragraph 3 of Article 175 of the constitution reads that, if the parliament adopts a draft law referred by the president by a two-thirds majority, the president may submit the law to a referendum. Laws related to constitutional amendments which are the subject of a referendum require the approval of more than half of valid votes cast.

If a law on the amendment to the constitution is adopted by a three-fifths majority or less than a two-thirds majority of the total number of members of the Grand National Assembly and is not sent back by the president to the Assembly for reconsideration, it is then published in the Official Gazette and submitted to a referendum.

A law on a constitutional amendment adopted by a two-thirds majority of the Assembly directly or upon the return of the law by the president or its articles deemed necessary may be submitted to a referendum by the president.

In local politics, too, there are provisions that make possible decision-making on a popular level. Within the scope of Law 5593 on municipalities (Article 76), city councils act as a decentralization device to implement policies for the benefit of the public. Yet these units are not effective, as they depend upon the goodwill of the local mayor, and some councils have yet to be established and exist on paper, only.

Citation:

Bahadır Sahin, Politik kültürün İstanbul kent konseylerinin verimliliği üzerindeki etkisi, *International Journal of Human Sciences*, V. 9, N. 2, 2012.

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United Kingdom

Score 2

While the instrument of referendum has seen much public debate in recent years (especially over the issue of European integration, but also on electoral reform), the legal foundations for calling a referendum and binding the government to its outcome must be considered weak. At the national level a referendum can only be initiated by the government, and its result is not legally binding, although it will usually exert strong political pressure. As a

tool for citizens to impose their will on the government of the day, let alone in perpetuity, the referendum situation in the United Kingdom must be considered very weak. Two recent examples are the resounding vote against changing the voting system for House of Commons elections, which effectively killed the proposal, and the forthcoming vote on independence for Scotland which, while formally only consultative, would be very hard to ignore in the unlikely event that it produces a “yes” result.

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